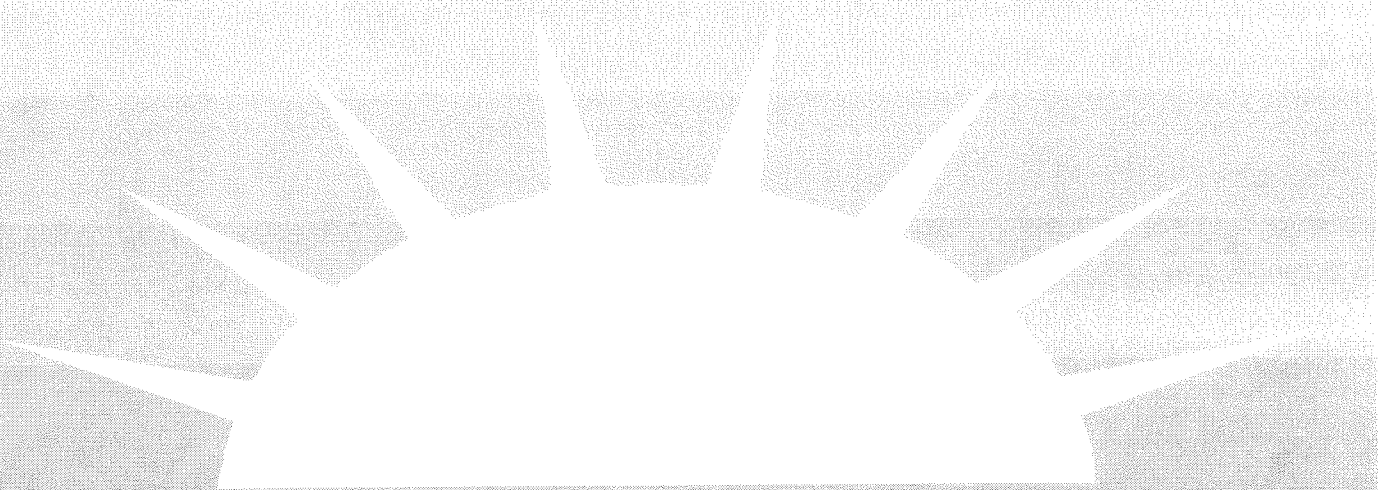


# Kitsap County Trial Court Project



## A NEW BEGINNING

Protecting Victims by Preventing  
Conflicting Domestic Violence Orders

FY 2003 Kitsap County Grant  
to Encourage Arrest Policies  
and Enforcement of  
Protection Orders Program



## ACKNOWLEDGEMENTS

This project is a product of unselfish work by individuals and agencies in our community who are dedicated to insuring enforceable and understandable domestic violence criminal and civil orders that are effective in providing greater protection for victims of domestic violence.

I would like to thank Pearl Gibson, Program Manager of the Office of Crime Victims Advocacy, and all her staff for taking the original idea and turning it into a grant application and subsequently administering the grant monies. In addition, I would like to thank Linda Joyce, Executive Director of the YWCA, and her staff for participating on the project. Their service as advocates and their input regarding the protocols have been extremely helpful.

The cooperation of all levels of courts in this County has been incredible. In particular I would like to thank the current Presiding Judge of the Kitsap County Superior Court, Judge Jay Roof, and Judge Russ Hartman, Judge Leila Mills and Commissioner Thurman Lowans, who participated in numerous meetings to discuss and establish the protocols. Port Orchard Municipal Court Judge Tarrell Decker, Bremerton Municipal Court Judge James Docter, Poulsbo Municipal Court Judge Jeff Tolman and Bainbridge Island Municipal Court Judge Steve Holman were all instrumental in setting guidelines for the project and participating in achieving the common goal.

Furthermore, I would like to acknowledge all the law enforcement agencies in Kitsap County for their input and patience in working through the issues of service and enforceability of orders.

The Kitsap County Prosecuting Attorney's Office has been extremely helpful in participating in meetings and drafting new forms and appearing at hearings. The Kitsap County Bar Association has also provided valuable input and feedback as to how the model will work.

I would not have been able to personally take on the additional duties of this project if it weren't for my fellow bench mates, Judge W. Daniel Phillips and Judge Marilyn Paja. Thank you for all your support.

Finally, this project would never have come about without the many hours invested by the Kitsap County District Court Administrator, Maury Baker. The many months of his work in preparing, planning and implementing have resulted in a project that will truly make a difference in our community.

James M. Riehl, Presiding Judge  
Kitsap County District Court





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# Project Summary



## **KITSAP COUNTY TRIAL COURT PROJECT**

### **Purpose:**

The Kitsap County District Court and the YWCA of Kitsap County have received a federal grant under the Grants to Encourage Arrest polices and Enforcement of Protection Orders Program. The grant in the amount of \$139,199 over a two-year period establishes a model by which all domestic violence orders both civil and criminal entered in Kitsap County by Superior, District or Municipal Courts will be reviewed to determine any conflicting provisions. Once identified a Judicial Officer known as “the Unified Domestic Violence Order Judge”, with lawful authority to determine issues from every jurisdiction in the county, will incorporate all provisions of the orders into one consistent unified domestic violence order. The Judge without relitigating all issues will rescind the conflicting orders, resolve any conflicting provisions and incorporate them into one order that will be filed in the original jurisdiction. The Kitsap County District Court is responsible for carrying out the Kitsap County Trial Court Project in collaboration with the Kitsap County Trial Court Coordination Council and YWCA of Kitsap County. These unified orders will provide greater protection for victims, greater enforceability by law enforcement and decreased confusion by perpetrators.

### **Background:**

Of Washington’s 39 counties, Kitsap ranks sixth in population. Parties may find themselves as defendants or victims in domestic violence cases filed criminally in municipal, district or superior courts, parties to civil domestic violence restraining orders in superior court and parties to a dissolution action involving children simultaneously,

which may very well result in the issuance of inconsistent and conflicting orders. Often these orders conflict due to the conflicting jurisdiction of the various courts and/or lack of information provided or available. As of July 2002 there were 2,362 orders in effect and of these 925 orders were multiple orders. This project will target victims of DV who have requested protection orders. This project will further identify and hold offenders accountable who are criminally charged, civilly and criminally restrained pre-conviction while benefiting law enforcement by providing uniform and enforceable domestic violence/protection orders.

This project will take into account the complexity of dealing with conflicting orders of protection issued by the municipal, district and superior courts in Kitsap County and implement a process by which these orders can be resolved. The Kitsap County District Court will implement this pilot project in the hiring of a judicial officer and court staff, with collaboration with the Trial Court Coordination Council. The tasks of project staff will be to review all competing and conflicting orders, hold hearings to resolve all conflicts and to issue an all-inclusive order to protect victims and their children. The judicial officer will not re-hear the merits of the cases, but only decide what provisions should be included that will protect the victim and not negatively impact any pending actions. In addition, all further modifications or reviews will be referred to this judicial officer. The judicial officer reconciling these conflicting orders will have the constitutional and statutory authority to preside over the modification hearing.

The Kitsap County Superior Court is located in the city of Port Orchard and has eight judicial officers. The county's district and municipal courts individually have fewer staff but address the majority of domestic violence cases with the county. The district court has three locations and is staffed by only 3.5 judicial officers. This project will provide for a half time court clerk position to review the county's automated Court Reporting Computer System. The court clerk will identify potential conflicting orders and maintain an accurate data count on all such orders. This project also provides for an allowance of information brought to light by victim self-reports as well as reports from law enforcement of conflicting orders. Once conflicting orders of protection are identified, the .20 FTE judicial officer position will hear the cases. Within the first three months of the project, staff, under the supervision of the judicial officer, will have identified and implemented a systematic approach to reviewing current orders of protection filings in an effort to determine if previous orders have conflicting language. If necessary, this project could also develop a central repository of orders that would then be brought before the judicial officer for review.

The judicial officer will assist the staff in the development of a special calendar dedicated to reconciling conflicting orders of protection. The calendar will be established within the first three months of the project. After the calendar has been established, the judicial officer will implement the two-week hearing notification process during which time all parties including their attorneys will be notified of a scheduled hearing date. A phone reminder will follow written notification of the hearing to reduce or eliminate non-appearances.

The Kitsap County District Court will work with all judicial officers in the County to provide information on this project and encourage participation of judicial officers in a policy review process within Kitsap County courts. The project-funded court clerk will provide consultation and support to jurisdictions with limited technological and/or personnel resources.

This project will also fund a part-time position at the YWCA of Kitsap County, a community-based, non-governmental victim services organization, to ensure that victim safety is not compromised by inadvertently implementing policies and procedures that provide batterers with a means of control. The YWCA of Kitsap County will provide information and consultation throughout the development and implementation of this project.

The judicial officer will be required to have considerable expertise and training in understanding the dynamics of domestic violence in both civil and criminal courts as well as training on the impact of these cases on children.

**Kitsap County District Court** is responsible for carrying out the Kitsap County Trial Court Project in collaboration with the Kitsap County Trial Court Coordination Council. The Kitsap County District Court is a limited jurisdiction court and has jurisdiction over misdemeanors and gross misdemeanor crimes. These crimes carry a maximum penalty of one (1) year in jail and/or a \$5,000 fine. Domestic violence cases such as 4<sup>th</sup> Assault DV, Malicious Mischief 3<sup>rd</sup> DV, Harassment DV and Violation of Court Order DV are a substantial part of the court's caseloads. Judge James M. Riehl, presiding judge of Kitsap County District Court, will oversee the project, including hiring and oversight of personnel in collaboration with the Kitsap County Trial Court



Coordination Council. Judge Riehl is an attorney and district court judge since 1983. As an attorney he practiced primarily in the domestic relations field. He is a member of the Washington State District and Municipal Court Judges Association where he serves on the Washington State Board of Judicial Administration responsible for setting policy for the state judiciary. Judge Riehl is also a member of the Washington State Violence Against Women Coordination Committee, administered by the Office of Crime Victims Advocacy. In 1997, Judge Riehl participated in the full Faith and Credit Conference held in Albuquerque, New Mexico. Judge Riehl currently serves as a member of the American Bar Association's Commission on Domestic Violence as well as a member of the Washington State Gender and Justice Commission. Judge Riehl will work in collaboration with the YWCA of Kitsap County to achieve the goal of reconciling conflicting orders issued by courts in Kitsap County.

This project will create a model process by which courts have the ability to reconcile conflicting orders of protection. The model will include a data collection process to analyze and review the occurrence and frequency of conflicting orders of protection. The results of this pilot project will be published in 2005 and showcased within the state and nationally.

## KITSAP COUNTY DISTRICT COURT BUDGET

**A. Personnel** – List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
Judicial Officer	\$110,000 x .20 FTE x 2 yrs.	\$ 44,000
Court Clerk	\$46,000 x .50 FTE x 2 yrs.	\$ 46,000

**Detail Personnel** – The judge will spend approx. eight hours per week reconciling conflicting orders of protection. The court clerk will spend approx. twenty hours per week compiling and reviewing orders of protection.

<b>TOTAL</b>	<b><u>\$ 90,000</u></b>
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**B. Fringe Benefits** – Fringe benefits should be based on actual known costs and an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
All provided benefits (Social security, medical, Retirement, etc.)	\$90,000 x 28%	\$ 25,200

<b>TOTAL</b>	<b><u>\$ 25,200</u></b>
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<b>Total Personnel &amp; Fringe Benefits</b>	<b><u>\$ 115,200</u></b>
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**C. Supplies** – List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. Generally supplies include any materials that are expendable or consumed during the course of the project.

<u>Supply Items</u>	<u>Computation</u>	<u>Cost</u>
Office supplies	\$50/mo x 24 mos	\$ 1,200
Postage	1,500 copies x .464 bulk rate	\$ 696
Postage	24 pieces/mo x \$2.67 x 24 mos	\$ 1,538

**TOTAL** **\$ 3,434**

**D. Other Costs** – List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

<u>Description</u>	<u>Computation</u>	<u>Cost</u>
Telephone	\$20/mo x 24 mos	\$ 480
Copy machine maintenance	\$15/mo x 24 mos	\$ 360

**Detail:** This project will cover a reduced monthly rate of \$20 for telephone costs. The court clerk will use telephone contact to follow-up on hearing notifications. Copy machine maintenance cost is estimated at \$15 per month to cover increased use while photocopying hearing notifications and orders.

**TOTAL** **\$ 840**

**Budget Summary** – When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

<u>Budget Category</u>	<u>Amount</u>
<b>A. Personnel</b>	<b>\$ 90,000</b>
<b>B. Fringe Benefits</b>	<b>\$ 25,200</b>
<b>C. Supplies</b>	<b>\$ 3,434</b>
<b>D. Other</b>	<b>\$ 840</b>
<b>TOTAL PROJECT AWARD</b>	<b>\$ 119,474</b>

## YWCA OF KITSAP BUDGET

**A. Personnel** – List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
Legal Advocate	\$26,208 x .25 FTE x 2 yrs.	\$ 13,104

Approximately 25% of the advocate's time will be needed for project consultation and to assist victims with safety planning while conflicting orders are being addressed.

**TOTAL** **\$ 13,104**

**B. Fringe Benefits** – Fringe benefits should be based on actual known costs and an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, Workman's Compensation, and Unemployment Compensation.

<u>Name/Position</u>	<u>Computation</u>	<u>Cost</u>
All provided benefits (Social security, medical, Retirement, etc.)	\$13,104 x 25%	\$ 3,276

**TOTAL** **\$ 3,276**

**Total Personnel & Fringe Benefits** **\$ 16,380**

**C. Travel** – Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of Travel Policies applied, Applicant or Federal Travel Regulations.

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
Court Hearings	Pt Orchard	Mileage	22 miles x .345/mile x 4 trips mo x 24 mos	\$ 729

**Detail:** It is anticipated that advocate will travel to district court at least one time each week to assist with safety planning and coordination of conflicting orders.

**TOTAL** **\$ 729**

**D. Supplies** – List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. Generally supplies include any materials that are expendable or consumed during the course of the project.

<u>Supply Items</u>	<u>Computation</u>	<u>Cost</u>
Office supplies	\$52 per mo x 24 months	\$ 1,248
Copy/printing	\$25 per mo x 24 months	\$ 600
<b>TOTAL</b>		<b><u>\$ 1,848</u></b>

**E. Other Costs** – List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

<u>Description</u>	<u>Computation</u>	<u>Cost</u>
Telephone	\$25/mo x 24 mos	\$ 600
Copy machine lease	\$7/mo x 24 mos	\$ 168

**Detail:** This project will cover the basic rate of a phone line. Telephone cost above the basic rate will be covered by the agency as in-kind. Cost of the copy machine lease is prorated by estimating project staff use and is computed to approx. \$7/mo.

**TOTAL** **\$ 768**

**Budget Summary** – When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total project costs. Indicate the amount of Federal requested and the amount of non-Federal funds that will support the project.

<u>Budget Category</u>	<u>Amount</u>
<b>A. Personnel</b>	<b>\$ 13,104</b>
<b>B. Fringe Benefits</b>	<b>\$ 3,276</b>
<b>C. Travel</b>	<b>\$ 729</b>
<b>D. Supplies</b>	<b>\$ 1,848</b>
<b>E. Other</b>	<b>\$ 768</b>
<b>TOTAL PROJECT AWARD</b>	<b>\$ 19,725</b>

**Sole Source Justification for Non-competitive Procurement**  
**Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program**  
**Application #2003-X0251-WA-WE**  
**Kitsap County District Court**

**I. A brief description of the program and what is being contracted for.**

The Kitsap County District Court has jurisdiction over misdemeanors and gross misdemeanor crimes. These crimes carry a maximum penalty of one (1) year in jail and/or a 45,000 fine. The most common criminal domestic violence charges include 4° Assault DV, Malicious Mischief 3° DV, Harassment DV and Violation of Court Order DV.

Kitsap County, like all counties in Washington State contains district, municipal and superior courts. Individuals involved in domestic violence may be charged criminally in municipal or district court, seek a domestic violence restraining order in superior court and file a dissolution action simultaneously. Each of these actions could result in the issuance of orders regarding no-contact, visitation and other restriction or prohibitions. Often these orders conflict due to the limited jurisdiction of the municipal and district courts and/or lack of information provided or available. Funding for this project will allow a judicial officer to resolve conflicting language in previously imposed orders, resulting in greater enforceability by law enforcement and thereby protecting domestic violence victims. The Judge will have the constitutional and statutory authority to issue and reconcile conflicting Orders.

**II. Explanation of why it is necessary to contract non-competitively.**

The Kitsap County Superior Court is located in the city of Port Orchard and has eight judicial officers. The county's District and Municipal courts have fewer staff but address the majority of domestic violence cases within the county. The District Court has three locations and is staffed by only 3.5 judicial officers. This project will provide funding for a half-time court clerk position to review the county's automated Court Reporting Computer System. The court clerk will identify potential conflicting orders and maintain an accurate data count on all such orders. The project funded 0.2 FTE judicial officer will hear the cases.

The Kitsap County District Court, under presiding Judge, James Riehl, has been involved in the conception, discussion and subsequent proposal of this grant application. The District Court is uniquely situated to address this problem within Kitsap County given its staff expertise with orders of Protection and the nature of the courts collaboration with key members of the Domestic Violence Task Force within the community. This project will be most effective if implemented as proposed in this application. As the court in Kitsap County with the highest volume of domestic violence cases, no other jurisdiction at the present time has

the expertise, collaborative network and resources necessary to address and implement the legal aspects of this problem.

- A. **Expertise of the Contractor.** The court, which handles a large volume of domestic violence cases, has legal expertise in matters involving the issuance of both civil and criminal Orders of Protection. The Court also has the structure, resources and legal authority in place to hear and reconcile conflicting Orders of Protection.
- B. **Management.** The Kitsap County Trial Court Project will be overseen by the district court's presiding judge and will draw upon the experience and expertise of the Kitsap County Trial Court Coordination Council comprised of twelve Judges and Administrators from the Kitsap County Municipal, District and Superior Courts, and the county clerk. The Kitsap County District Court has established working relationships with the legal community, law-enforcement agencies, surrounding county officials and social services agencies, including the YWCA of Kitsap County, which will provide valuable expertise on victim safety planning.
- C. **Responsiveness.** The Kitsap County District Court can respond immediately to implement this project. Kitsap County District Court already has the staff expertise and knowledge to implement this project. No additional training or education will be necessary before the project can begin.
- D. **Knowledge of the Program.** Kitsap County District Court staff and the Kitsap County Trial Court Coordination Council have extensive knowledge of the proposed project and have been involved with this project from conception to the present grant proposal.
- E. **Expertise of the Personnel.** The Kitsap County District Court is managed by a presiding judge who oversees elected judges comprised of legal experts in the areas of civil and criminal law – particularly domestic violence laws and the dynamics of Domestic Violence. Presiding Judge, James Riehl has had considerable training and expertise on Domestic Violence. In 1997, Judge Riehl attended the “Full Faith and Credit: A Passport to Safety” conference in Albuquerque, New Mexico. Judge Riehl also serves as a member of the American Bar Association’s Commission on Domestic Violence and Washington State Gender and Justice Commission. The position will be filled by a judge with considerable expertise in domestic violence cases.

### III. Time Constraints

To accomplish this project in 24 months will take the experience and expertise already developed by the Kitsap County District Court. This project will require a

high level of knowledge of civil and criminal law, domestic violence issues, contractual and administrative law and project design and implementation.

**IV. Uniqueness**

The Kitsap County District Court is the only agency that possesses this array of expertise at this time and it would take years for another jurisdiction within Kitsap County to acquire the same level of knowledge. The Kitsap County District Court has the knowledge, relationships with other community members and expertise to develop a complex comprehensive model that will address conflicting orders and ensure victim safety.

**V. Other relevant information**

The expertise the Kitsap County District Court brings to this grant process is a critical component of this grant. It would be a tremendous hurdle for any other judicial agency within Kitsap County to come in and develop the resources Kitsap County has in place to effectively execute this project. Contracting with the Kitsap County District Court in a non-competitive sole source manner is in the best interest of the Kitsap County Trial Court Project.





Fiscal Year 2003  
Grants to Encourage Arrest Policies and  
Enforcement of Protection Order Programs  
Application Number: 2003-X0251-WA-WE

STATE OF WASHINGTON

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

906 Columbia St. SW • PO Box 48300 • Olympia, Washington 98504-8300 • (360) 753-2200

**MEMORANDUM OF UNDERSTANDING**

The Department of Community, Trade and Economic Development (CTED) through the Office of Crime Victims Advocacy (OCVA) enters into a Memorandum of Understanding (MOU) as a collaborative partner with the Kitsap County District Court. The Kitsap County District Court and the YWCA of Kitsap County will work with the Courts in Kitsap County to develop and coordinate the Kitsap County District Court effort to reconcile conflicts and improve enforcement of Protection Orders for victims of Domestic Violence. The YWCA of Kitsap County, an active member of the Kitsap County Domestic Violence Task Force, will provide assistance and offer valuable information on building collaborative relationships and developing safety planning for victims involved in this project. The overall objective of the Kitsap County Trial Court Project will be to reconcile conflicting Orders of Protection and ensure victim safety.

**History of Collaboration**

While this is a new partnership between OCVA and the Kitsap County District Court, this collaboration will serve to enhance and strengthen the collaboration that OCVA has with Kitsap County. OCVA administers the STOP grant program for Kitsap County. Their STOP grant funds a law enforcement segment in which the Kitsap County Sheriff's Department subcontracts with the YWCA of Kitsap County to provide victim assistance/ legal advocacy for victims of domestic violence; a prosecution segment in which the Kitsap County Prosecuting Attorney's office provides advocacy services, including information and support to victims going through the criminal justice system and obtaining Protection Orders and other court documents; and a victim services segment in which the Kitsap Sexual Assault Center provides services to victims. Both law enforcement and the prosecution have earmarked a portion of their grant allocation to fund coordination and delivery of a comprehensive community response to domestic violence. This new partnership with the Kitsap County District Court will serve to further enhance this effort by establishing new working relations between the YWCA of Kitsap County and the Kitsap County District Court.

OCVA and YWCA of Kitsap County have had a collaborative relationship for over seven years. The YWCA of Kitsap County is a non-governmental, non-profit victim service organization whose primary purpose is providing services to victims of domestic violence in Kitsap County. The YWCA of Kitsap County works closely with the Kitsap Sexual Assault Center, an accredited Community Sexual Assault Program, and receives funding from the federal Byrne Grant supported Domestic Violence Legal Advocacy Program, of which OCVA administers. The YWCA of Kitsap County is a member of the Kitsap County Domestic Violence Task Force and provides valuable mentoring to the task force. The YWCA of Kitsap County is an active partner in the overall design and planning of the proposed project.

### **Project Participation**

Judge Riehl, the presiding judge of the Kitsap County District Court and member of the Washington State Violence Against Women Coordinating Committee, attended the OCVA focus group convened on July 25, 2002 to develop Washington State's 2003 Application for the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program Federal Grant Application. The focus group identified this project as one of three top priorities.

Since the focus group meeting, Judge Riehl and his staff have participated in the development of this application, by providing information, recommendations and insights regarding current gaps in services, existing and previous programs and projects, and goals and objectives for this proposal – either consistent with, or improving on the ideas discussed at the statewide focus group. This participation, in collaboration with the YWCA of Kitsap County, has led to the agreement reflected in this Memorandum and the submission of the grant application to fund this collaborative effort.

### **Roles and Responsibilities**

The Kitsap County District Court will be responsible for all duties and responsibilities related to the programmatic aspects of the grant including:

1. Overall design and implementation of the Kitsap County Trial Court Project;
2. Data collection and analysis to review the occurrence and frequency of conflicting orders of protection issued in Kitsap County; and
3. Publishing the results of this pilot project in 2005, which will include valuable information on data collected, frequency of occurrence of conflicting protection orders in Kitsap County and other key observations and recommendations.

YWCA of Kitsap County will be responsible for:

1. Lending expertise on developing safety plans, legal advocacy services, and other victim safety related issues to victims of domestic violence, including but not limited to ensuring that the rights of the victims are adequately protected at these hearings; and
2. Dedicate staff and resources to discuss, participate, or otherwise assist with the planning and execution of Kitsap County District Court's effort to reconcile conflicting Orders of Protection. This will also include dedicating staff time to appear for such hearings or otherwise assisting victims through this process.

OCVA will be responsible for all duties and responsibilities related to the administration of the grant including:

1. Submission of all required reports, records and financial audits to the Department of Justice;
2. Provision of all required copies of publications and materials produced under this grant to the Department of Justice; and
3. Negotiation of any necessary extensions or amendments with the Department of Justice.

#### **Planning and Development Team**

The Kitsap County District Court will lead the project design and implementation of the Kitsap County Trial Court Project in consultation with Kitsap County Trial Court Coordinating Council and the YWCA of Kitsap County, a member of the Kitsap County Domestic Violence Task Force. The Kitsap County District Court will convene planning team meetings to coordinate the hiring process for the judicial officer and the court staff position and once hired, will review staff progress. The Kitsap County District Court will draw upon the experience and expertise of the YWCA of Kitsap County in victim safety planning. The Kitsap County District Court will also draw upon the experience and expertise of the Kitsap County Trial Court Coordinating Council comprised of twelve members representing judges and administrators from the Kitsap County Municipal, District and Superior Courts and the County Clerk.

The roles and responsibilities described above are contingent on OCVA receiving the funds requested for this project in the FFY 2003 Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program grant application. The beginning and end dates of this collaborative effort would coincide with the grant period, anticipated to be October 1, 2003 through September 30, 2005.

#### **Commitment and Resources**


There is a firm commitment from each of the project partners to achieve the stated project goals. OCVA will provide a portion of staff salaries as well as benefits, office space and supplies. The Kitsap County District Court will implement the project in consultation with the YWCA of Kitsap County, which will also provide a portion of staff salaries, benefits, as well as office space and supplies.

**Approval**


We, the undersigned have read and agree with this MOU. Further, we have reviewed and approve the portion of the proposed project budget pertaining to the collaborative effort described here.

  
\_\_\_\_\_  
The Honorable James Riehl, Presiding Judge  
Kitsap County District Court

Date: 1-21-2003

  
\_\_\_\_\_  
Linda Joyce, Executive Director  
YWCA of Kitsap County

Date: 1/21/2003

  
\_\_\_\_\_  
Mina Apacible, Assistant Director  
Department of Community, Trade and Economic  
Development

Date: 1-23-03

## WHAT IS THE KITSAP COUNTY TRIAL COURT PROJECT?

The Kitsap County District Court and the YWCA of Kitsap County received a federal grant under the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. The grant in the amount of \$139,199 over a two-year period establishes a model by which all domestic violence orders both civil and criminal entered in Kitsap County by Superior, District or Municipal Courts will be reviewed to determine any conflicting provisions. Kitsap County District Court Judge James Riehl, with lawful authority to determine issues from every jurisdiction in the county, will incorporate all provisions of the orders into one consistent unified domestic violence order. The Judge will rescind the conflicting orders, resolve any conflicting provisions and incorporate them into one order. The Kitsap County District Court is responsible for carrying out the Kitsap County Trial Court Project in collaboration with the Kitsap County Trial Court Coordination Council and the YWCA of Kitsap County. These unified orders will provide greater protection for victims, greater enforceability by law enforcement and decreased confusion by perpetrators.

## WHAT COURTS WILL BE AFFECTED AND TO WHAT DEGREE?

All Superior, District and Municipal Courts in the County of Kitsap have the authority to enter civil orders under the Revised Code of Washington (RCW) 26.50 and criminal orders under RCW 10.99. At the present time, most civil domestic violence protection orders under RCW 26 are signed by the Superior Court, a general jurisdiction court. Most criminal domestic violence no contact orders are signed by District and Municipal Courts, limited jurisdiction courts, under RCW 10.99. Both levels have exclusive issues under each RCW resulting in domestic violence protection orders containing potentially inconsistent provisions. Each time any of the above courts sign one of these orders, a record check is done to determine if there are any existing domestic violence protection orders in effect involving the same parties. Every effort will be made to avoid inconsistent provisions. However, if the order signed is inconsistent it will be referred to a Clerk hired under this grant to do a check on potential inconsistent provisions.

## WHAT ORDERS WILL BE RESCINDED AND WHAT ORDER WILL BE IN EFFECT?

If a RCW 26.50 order issued by Superior Court is reviewed along with limited jurisdiction RCW 26.50 or RCW 10.99 orders for inconsistencies, a new RCW 26.50 shall be entered taking into consideration the terms and conditions of any existing limited jurisdiction orders. In most circumstances, the limited jurisdiction orders will be rescinded. If the Court is only reviewing conflicting limited jurisdiction orders, then one unified order will be in effect or, in the alternative, the most restrictive order incorporating all consistent conditions will be in effect with all other orders rescinded.

## HOW, WHEN AND TO WHOM WILL NOTICE BE GIVEN REGARDING THE UNIFIED DOMESTIC VIOLENCE ORDER HEARING?

When the Court Clerk receives information regarding potential conflicting orders, further review is made to determine any inconsistent language in the orders. In addition, a check is made to see that the orders are truly domestic violence protection orders and the parties are identical (criminal cases will be in the name of the State of Washington or municipality). If not, a hearing will not be set. If it is, hearings are set in approximately two weeks before Judge Riehl with notice to all parties, their attorneys, including any guardian ad litem previously appointed, the Prosecuting Attorney, the YWCA and the Department of Corrections regarding Superior Court RCW 10.99 post-conviction orders. In the case of hearings involving Superior Court orders, personal service or, if authorized, by publication or certified mail will be utilized.

## WHAT ORDERS WILL TRIGGER A SEARCH OF RECORDS TO DETERMINE WHAT OTHER ORDERS ARE IN EFFECT?

All court orders delineated as domestic violence protection or restraining orders under RCW 26 and RCW 10.99 shall be reviewed. Anti-harassment orders under RCW 10.14 or orders establishing custody and visitation that do not contain domestic violence findings and order shall not be considered under this project. However, only RCW 26.50 and non-felony RCW 10.99 orders will trigger a hearing. All domestic violence orders contained in felony RCW 10.99 orders, RCW 26.09, 26.10 and 26.26 shall be reviewed for inconsistencies and referred to Superior Court for their review for action, if any. In addition, a RCW 26.50 order from Superior Court will be referred to that court if there is any pending litigation between the parties in Superior Court.

## WILL THIS MODEL INCORPORATE EXISTING DOMESTIC VIOLENCE PROTECTION ORDERS WHICH CONTAIN INCONSISTENT PROVISIONS?

Yes. An audit has been made of all orders previously signed and in effect in all courts of Kitsap County.

## WHAT IS MEANT BY CONFLICTING DOMESTIC VIOLENCE ORDERS?

Inconsistent provisions of domestic violence protection orders may exist between every level of court and may include competing civil orders, criminal orders or a combination of both. Typically, provisions that may be inconsistent involve custody and visitation of children and the extent of contact between the parties. Other provisions may involve locations or distances regarding contact between the parties.

As a first step to avoid issuing conflicting orders, the courts of Kitsap County have adopted the use of Uniform Domestic Violence and No Contact Orders. The orders include all conditions that may be involved by use of check boxes, thus eliminating extraneous and/or illegible writing.

## MUST THERE BE AT LEAST TWO ORDERS CONTAINING CONFLICTING PROVISIONS IN EFFECT BEFORE A HEARING IS SET OR HEARD?

Although, on occasion, a domestic violence protection order may be signed which adversely affects the rights of a litigant by virtue of other court orders (i.e., parenting plan) or relationship with the victim (i.e., parent of a child), this does not fall within the model contemplated by the federal grant and will not require a hearing. In addition, if two orders exist at the time of the setting but one is terminated prior to the final hearing, the hearing shall be stricken (i.e., temporary civil domestic violence protection order is granted but denied at the full hearing prior to the unified domestic violence order hearing).

## WHAT AUTHORITY WILL THE JUDGE HAVE AT THE TIME OF THE HEARING?

The Washington State Constitution, Article IV, § 7, and RCW 2.08.180(2) provides for the appointment of any elected sitting judge as an elected judge pro tempore. Pursuant to Superior Court Administrative Rule 6, the Presiding Judge of any Superior Court may, in the interest of justice, assign an elected sitting judge from the Supreme Court, Court of Appeals, District or Municipal court to serve as an elected judge pro tempore. Consent of the parties or attorneys is not required. Judge Riehl has been appointed as one of the Elected Judge Pro Tempores to hear cases involving Superior Court RCW 26.50 orders. Also, he has been appointed to serve as a Municipal Court Judge Pro Tempore.

## DOES A PARTY NEED TO REQUEST A HEARING BEFORE THE JUDGE TO MODIFY OR RESCIND AN ORDER ISSUED UNDER THIS PROJECT?

No. A litigant will be required to request a hearing in the court in which a current order is in effect.

## WHAT HAPPENS WHEN A SUBSEQUENT CRIMINAL DOMESTIC VIOLENCE PROTECTION ORDER IS SIGNED WHEN A CURRENT ORDER IS IN EFFECT?

Depending on the provisions within the new criminal order, a decision is made determining if any inconsistent language exists with the unified order. If there is, a hearing will be set to determine if a modification to the order should be entered.





AUDIT OF  
DOMESTIC VIOLENCE ORDERS



**AUDIT OF CURRENT DOMESTIC VIOLENCE CIVIL PROTECTION  
ORDERS/CRIMINAL NO CONTACT ORDERS IN KITSAP COUNTY:  
DECEMBER 2003**

As part of the first phase of the project the Kitsap County District Court under the direction of Presiding Judge James M. Riehl, conducted an audit of all existing civil and criminal domestic violence protection and no contact orders under RCW 26.50 and RCW 10.99. This audit reviewed orders effective December of 2003 from Kitsap County Superior Court, Kitsap County District Court, Bremerton Municipal Court, Port Orchard Municipal Court, Poulsbo Municipal Court and Bainbridge Island Municipal Court. The number of cases and categories are identified in the attachment A.

The purpose to the audit was to identify orders that contained inconsistent provisions. On occasion there were orders from other counties as well as tribal orders that contained inconsistent provisions. Although outside the scope of the project, it is anticipated that a courtesy notification to those courts will be implemented for those courts to determine if they wish to take any action.

In addition there were two orders identified within dissolution actions under RCW 26.9. Both have expired. If there are additional domestic violence orders within dissolution actions they are unidentified by domestic violence indicators and are unable to be accessed without an exorbitant amount of hands on auditing which is not contemplated by this project.

**OUTSIDE SCOPE OF PROJECT**

For an order to qualify within the project it must be identified as a domestic violence order. In addition there must be at least two existing domestic violence orders containing the same parties in the same position in the pleadings. The project does not include anti-harassment orders, dissolution actions and parenting plans that do not contain a domestic violence restraining order.

**CONFLICTING ORDERS**

The orders that do qualify within the project fall into three categories.

<b>LOCATION:</b>	Many of the orders contain inconsistent location restrictions including residence, school, work and daycare.
<b>DISTANCE:</b>	Numerous orders contain different distances from 500 feet to 1500 feet.
<b>EXCEPTIONS:</b>	These exceptions apply to when contact may be permitted. These provisions typically include phone or mail contact, counseling offices, and dispute resolution through third persons or visitation of children.

Finally the audit identified a number of orders that were not in conflict and therefore no need to address them within the project.

### **OBSERVATIONS:**

It is quite clear that throughout Kitsap County all levels of courts grant domestic violence protection and/or no contact orders when supported by the facts and authorized by the law. However it appears that little or no time is taken by judges at the time of signing such orders to determine what other orders exist between the parties and whether there maybe any conflicting provisions. This failure also appears to be based on lack of resources including sufficient time from the bench as well as technology deficiencies.

It is apparent that additional resources and sufficient time from the bench would be well worth the effort to avoid inconsistencies impacting victims, law enforcement, prosecutors and perpetrators.

The audit also reveals the need to establish some uniformity throughout the County regarding distance, location and exceptions contained in domestic violence orders. If in fact inconsistencies arise as a result of different levels of jurisdictions, it is crucial those inconsistencies be addressed by a judicial officer quickly.

For purposes of enforcement of orders it also appears critical for all levels of courts establish a local rule or protocol to declare that the most restrictive domestic violence criminal order take precedent over any inconsistent domestic violence order prior to reconciliation of the inconsistencies.

Finally the audit reveals a number of practical problems. One is a number of orders that contain handwritten provisions by judges which are extremely difficult to read. Often times these provisions are illegible especially when copied. There are orders in which none of the pre-printed boxes have been checked by judges thereby preventing enforceability of the order. In addition a number of orders contain victims addresses which may jeopardize victims safety. Finally, a number of orders contain exceptions to a no contact order by referring to other court orders which are not attached. This practice virtually makes it impossible to enforce as well as confusing to victims and perpetrators.

In conclusion, the findings of this audit make it very clear that inconsistencies in domestic violence orders are significant in Kitsap County leading to reduced safety for victims, difficulties of enforcement and confusion by perpetrators. The goal of this project is to eliminate these inconsistencies and promote a safer community.

## ATTACHMENT A

	S18*	KCDC	BRM	BIM	POM	PBM	O/CO	TOTAL
DV orders outside KC may conflict	7	23	6	2	2	0	0	40
Order expired	15	47	4	1	5	1	2	75
May conflict w/ expired order	5	23	2	0	1	0	3	34
No conflict exists after removing duplicate case	9	45	14	0	2	0	3	73
Outside Scope of Project - Different parties	23	121	44	3	12	0	13	216
Outside Scope of Project - Reversed parties	32	34	3	0	2	0	3	74
Order Terminates w/in 60 days	1	7	5	0	1	0	1	15
Order Terminates w/in 30 days	1	5	0	0	1	0	0	7
Same parties - No Conflict	8	96	31	7	7	1	0	150
Location Conflict (residence vs. work)	21	100	48	1	3	0	1	174
Distance Conflict (1000' vs. 500')	11	34	62	1	0	1	1	110
Exception Conflict (phone / mail / visitation)	22	17	1	0	0	1	0	41
<b>TOTAL</b>	<b>155</b>	<b>552</b>	<b>220</b>	<b>15</b>	<b>36</b>	<b>4</b>	<b>27</b>	<b>1051</b>

\* Superior Court criminal & civil cases are combined under column S18 as identified as potential conflicts.

The total of 155 cases combines forty two (43) criminal & one hundred and twelve (112) civil cases.

Conflicts were identified in fifty four (54) of the one hundred and fifty five (155) cases representing thirty four percent (34%). Of these, twenty two (22) were criminal and thirty two (32) were civil cases. Of twenty two (22) criminal cases, eight (8) had location conflicts only; three (3) had distance conflicts only; ten (10) had exception conflicts only; eleven (11) had conflicts in more than one category. Of thirty two (32) civil cases, eight (8) had location conflicts only; three (3) had distance conflicts only; eleven (11) had conflicts in more than one category.

Conclusion: Twenty nine percent (29%), thirty two (32) out of one hundred and twelve (112) of Superior Court civil D.V. orders are in conflict with one or more orders. Fifty one percent (51%), twenty two (22) out of forty three (43), of Superior Court criminal No Contact Orders are in conflict with one or more orders.

## ATTACHMENT B

	S18*	KCDC	BRM	BIM	POM	PBM	O/CO	TOTAL
DV orders outside KC may conflict	0	0	0	0	0	0	0	0
Order expired	3	0	0	2	0	0	0	5
May conflict w/ expired order	0	2	0	0	0	0	0	2
No conflict exists after removing duplicate case	4	1	3	0	0	0	0	8
Outside Scope of Project - Different parties	2	8	2	0	0	0	0	12
Outside Scope of Project - Reversed parties	1	0	2	0	0	0	0	3
Order Terminates w/in 60 days	0	0	0	0	0	0	0	0
Order Terminates w/in 30 days	0	0	0	0	0	0	0	0
Same parties - No Conflict	1	3	8	0	0	0	0	12
Location Conflict (residence vs. work)	3	5	3	0	0	0	0	11
Distance Conflict (1000' vs. 500')	0	0	0	0	0	0	0	0
Exception Conflict (phone / mail / visitation)	1	0	0	0	0	0	0	1
<b>TOTAL</b>	<b>15</b>	<b>19</b>	<b>18</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>54</b>

# KITSAP COUNTY TRIAL COURT COORDINATION COUNCIL





## **KITSAP COUNTY TRIAL COURT COORDINATION COUNCIL**

**Date formed:** February, 2002

### **Council Mission Statement:**

It is the mission of the Kitsap County Trial Court Coordination Council (KCTCCC) to facilitate cooperation and coordination among the trial courts in Kitsap County. The KCTCCC will strive to identify strategies to maximize utilization of court resources and minimize duplication of administrative efforts, while promoting access to justice by citizens and protection of the public. The KCTCCC will develop an ongoing and comprehensive system of collaboration among the trial courts in Kitsap County. The KCTCCC will act in an advisory capacity to the trial courts of the county.

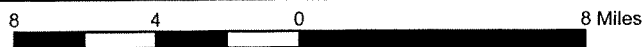
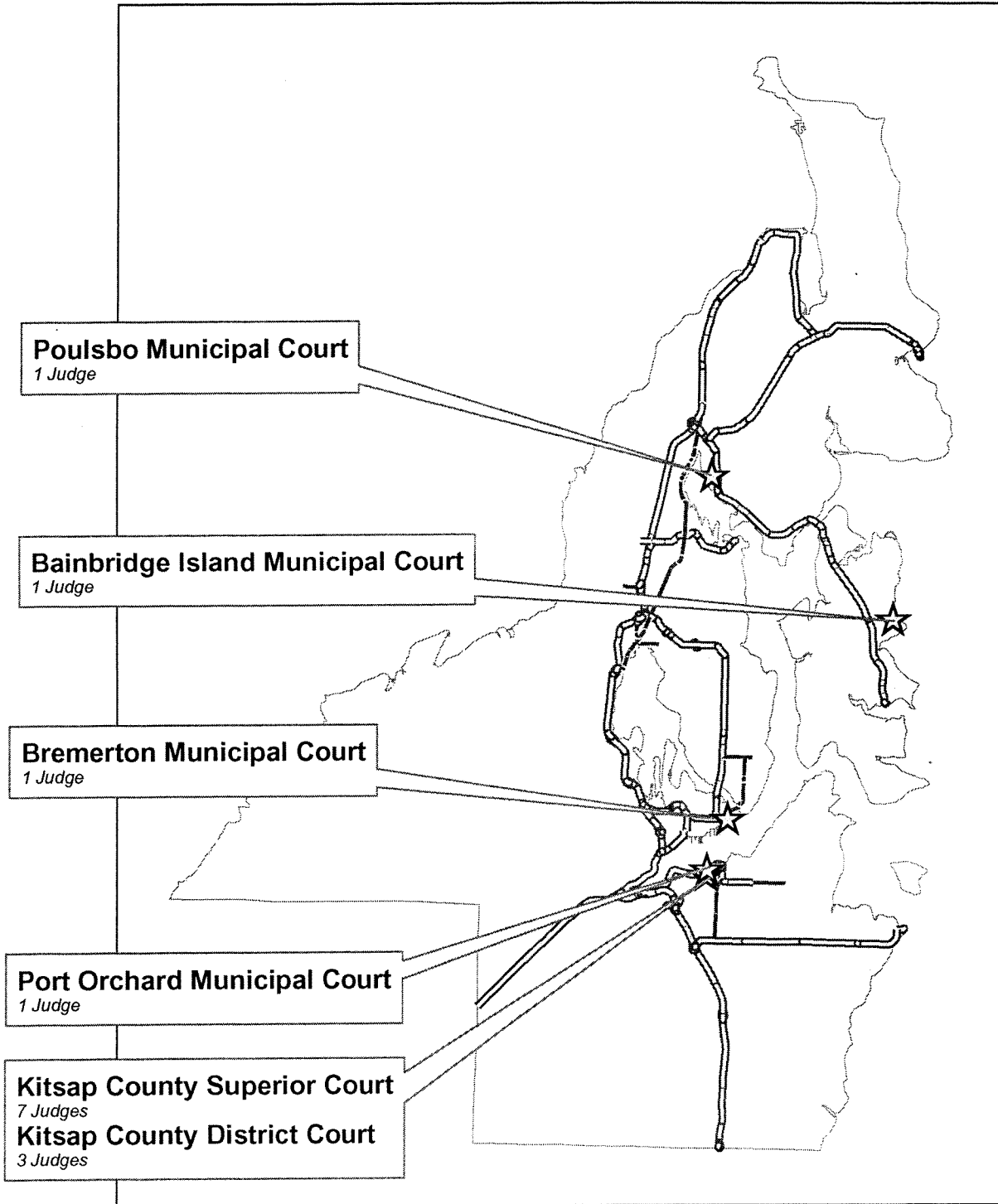
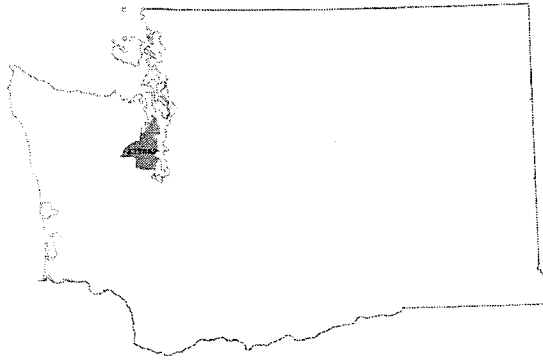
### **Membership:**

The members of the KCTCCC will be the Municipal Court Judges and Administrators, one District Court Judge and one Superior Court Judge selected by the Judges of those courts, the District Court and Superior Court Administrators, and the County Clerk. The members may determine, from time to time, whether other persons should serve on committees or subcommittees, or should assist in other capacities.

### **Membership List of the KCTCCC:**

Judge Tarrell Decker, Port Orchard Municipal Court  
Judge James Docter, Bremerton Municipal Court  
Judge Stephen J. Holman, Bainbridge Island Municipal Court  
Judge James Riehl, Kitsap County District Court  
Judge Jay Roof, Kitsap County Superior Court  
Judge Jeffrey Tolman, Poulsbo Municipal Court  
Maurice Baker, Kitsap County District Court Administrator  
Frank Maiocco, Kitsap County Superior Court Administrator  
Telma Hauth, Poulsbo Municipal Court Administrator  
Telma Hauth, Bainbridge Island Municipal Court Administrator  
Jonna Koehn, Bremerton Municipal Court Administrator  
Debbie Hunt, Port Orchard Municipal Court Administrator  
Dave Peterson, Kitsap County Clerk

**Contact name:** Judge Stephen J. Holman, Chair  
Bainbridge Island Municipal Court  
PO Box 151  
Rolling Bay, WA 98061  
Sslwe3@hotmail.com



1 inch equals 5.37 miles



## KITSAP COUNTY DISTRICT COURT

JAMES M. RIEHL, JUDGE  
DEPARTMENT NO. 1

W. DANIEL PHILLIPS, JUDGE  
DEPARTMENT NO. 2

MARILYN G. PAJA, JUDGE  
DEPARTMENT NO. 3

614 Division Street, MS-25  
Port Orchard, WA 98366  
Phone (360) 337-7199  
Fax 337-4865

STEPHEN J. HOLMAN  
COURT COMMISSIONER

MAURICE H. BAKER  
COURT DIRECTOR

### MEMORANDUM OF UNDERSTANDING

In September 2003, the Kitsap County District Court and the Kitsap County YWCA were awarded a federal grant under the Grant to Encourage Arrest and Enforcement of Protection Order Program. The goal of the Kitsap County Trial Court Project in collaboration with the Kitsap County Trial Court Coordination Council is to prevent inconsistent or conflicting domestic violence orders from all levels of court between the same parties.

The Kitsap County Trial Court Coordination Council hereby supports and endorses the Kitsap County Trial Court Project and will assist in its implementation.

It is agreed and understood that Kitsap County District Court Judge James M. Riehl will sit as a Kitsap County Superior Court Elected Judge Pro Tem for purposes of reconciling conflicting Superior Court RCW 26.50 domestic violence orders and Limited Jurisdiction orders, but only when there are no additional Superior Court orders in effect between the parties. If additional orders are in effect, the RCW 26.50 order will be referred back to the Superior Court for further action, if any. It is also agreed that Judge Riehl shall only modify provisions within the RCW 26.50 order that conflict with portions of Limited Jurisdiction orders. In addition, notice of such hearings to the litigants will be as provided in RCW 26.50.050, that is personal service, or if authorized by court order, certified mail or publication.

Furthermore, the Kitsap County Limited Jurisdiction Courts hereby authorize Judge James M. Riehl to serve as their Municipal Court Judge Pro Tem for purposes of amending or rescinding domestic violence orders from their court, pursuant to this project.

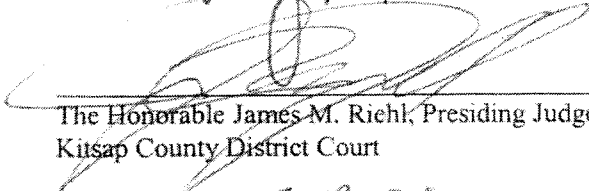
It is also agreed and understood that this project will include a review of Kitsap County Superior Court criminal felony domestic violence no contact orders pursuant to RCW 10.99, as well as Kitsap County Superior Court civil domestic violence protection orders, pursuant to

Memorandum of Understanding  
Page 2 of 2

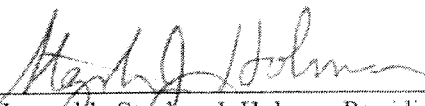
RCW 26.09, 26.10 and 26.26 for purposes of determining inconsistent provisions. However, these orders will not be modified or rescinded by Judge James Riehl and will be referred to Superior Court for further review.

  
The Honorable Jay B. Root, Presiding Judge  
Kitsap County Superior Court

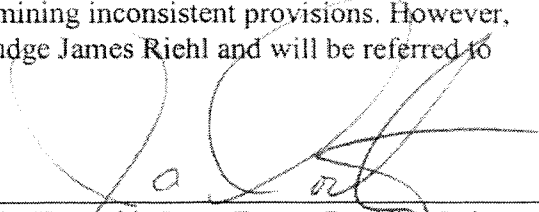
Date: May 16, 2004

  
The Honorable James M. Riehl, Presiding Judge  
Kitsap County District Court


Date: 5-18-04

  
The Honorable Stephen J. Holman, Presiding Judge  
Bainbridge Island Municipal Court

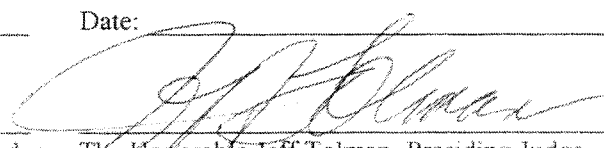
Date: 5/21/04

  
The Honorable James Docter, Presiding Judge  
Bremerton Municipal Court

Date: May 20, 2004

  
The Honorable Tarrell Decker, Presiding Judge  
Port Orchard Municipal Court

Date: \_\_\_\_\_

  
The Honorable Jeff Tolman, Presiding Judge  
Poulsbo Municipal Court

Date: 5-20-04

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KITSAP COUNTY

614 DIVISION STREET, MS-24  
PORT ORCHARD, WASHINGTON 98366  
(360) 337-7140

LEONARD W. COSTELLO, JUDGE  
DEPARTMENT NO. 1  
LEILA MILLS, JUDGE  
DEPARTMENT NO. 2  
ANNA M. LAURIE, JUDGE  
DEPARTMENT NO. 3  
TERRY K. McCLUSKEY, JUDGE  
DEPARTMENT NO. 4

JAY B. ROOF, JUDGE  
DEPARTMENT NO. 5  
RUSSELL W. HARTMAN, JUDGE  
DEPARTMENT NO. 6  
M. KARLYNN HABERLY, JUDGE  
DEPARTMENT NO. 7

THURMAN W. LOWANS  
COURT COMMISSIONER  
FRANK A. MAIOCCO, JR.  
DIRECTOR OF ADMINISTRATION

January 22, 2004

Administrative Office of the Courts  
Attn: Legal Services  
P.O. Box 41174  
Olympia, WA 98504-2127

Re: Elected Judges Pro Tempore List

Dear Sir or Madam:

Pursuant to Administrative Rule 6, Kitsap County Superior Court's list of judges pro tempore is as follows:

Judge David Armstrong  
Court of Appeals, Division II  
Elected November 1995

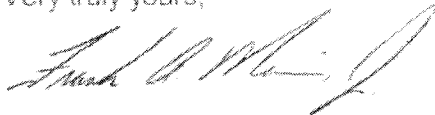
Judge James Riehl  
Kitsap County District Court  
Elected January 22, 2004

Judge Marilyn G. Paja  
Kitsap County District Court  
Elected January 11, 1999

Kitsap Superior Court maintains the Qualifications/Experience Form on file for each of these judges, and they are available for review.

Please feel free to contact me if you have any questions.

Very truly yours,



Frank A. Maiocco, Jr.  
Director, Superior Court  
Administrative Services

csj



# CONSTITUTIONAL/STATUTORY AUTHORITY





# **CONSTITUTION OF THE STATE OF WASHINGTON**

## **ARTICLE IV THE JUDICIARY**

### **SECTION 7 EXCHANGE OF JUDGES - JUDGE PRO TEMPORE.**

The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his or her duty to do so. A case in the superior court may be tried by a judge pro tempore either with the agreement of the parties if the judge pro tempore is a member of the bar, is agreed upon in writing by the parties litigant or their attorneys of record, and is approved by the court and sworn to try the case; or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided by law. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement. [AMENDMENT 94, 2001 Engrossed Senate Joint Resolution No. 8208, p 2327. Approved November 6, 2001.]

Amendment 80 - Art. 4 Section 7 EXCHANGE OF JUDGES - JUDGE PRO TEMPORE - The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement. [Amendment 80, 1987 Senate Joint Resolution No. 8207, p 2815. Approved November 3, 1987.]

ORIGINAL TEXT - ART. 4 Section 7 EXCHANGE OF JUDGES - JUDGE PRO TEMPORE - The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.

**RCW 2.08.180 Judge pro tempore--Appointment--Oath--Compensation.**

A case in the superior court of any county may be tried by a judge pro tempore, who must be either: (1) A member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court, and sworn to try the case; or (2) pursuant to supreme court rule, any sitting elected judge. Any action in the trial of such cause shall have the same effect as if it was made by a judge of such court. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

A judge pro tempore shall, before entering upon his or her duties in any cause, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge pro tempore in the cause wherein . . . . . is plaintiff and . . . . . defendant, according to the best of my ability."

A judge pro tempore who is a practicing attorney and who is not a retired justice of the supreme court or judge of a superior court of the state of Washington, or who is not an active judge of a court of the state of Washington, shall receive a compensation of one-two hundred fiftieth of the annual salary of a superior court judge for each day engaged in said trial, to be paid in the same manner as the salary of the superior judge. A judge who is an active judge of a court of the state of Washington shall receive no compensation as judge pro tempore. A justice or judge who has retired from the supreme court, court of appeals, or superior court of the state of Washington shall receive compensation as judge pro tempore in the amount of sixty percent of the amount payable to a judge pro tempore under this section, provided that a retired justice or judge may decline to accept compensation.

[2003 c 247 § 1; 2002 c 137 § 1; 1987 c 73 § 1; 1971 c 81 § 6; 1967 c 149 § 1; 1890 p 343 § 11; RRS § 40.]

**Notes:**

**Contingent effective date--1987 c 73:** "This act shall take effect January 1, 1988, if the proposed amendment to Article IV, section 7 of the state Constitution, allowing retiring judges to hear pending cases, is validly submitted to and is approved and ratified by the voters at a general election held in November, 1987. If the proposed amendment is not so approved and ratified, this act shall be null and void in its entirety." [1987 c 73 § 2.] Amendment 80 of the state Constitution, amending Article IV, section 7, was approved by the voters November 3, 1987.

*Judges pro tempore: State Constitution Art. 4 § 7.*

*appointments: RCW 2.56.170.*

## **Chapter 10.99 RCW**

### **DOMESTIC VIOLENCE--OFFICIAL RESPONSE**

#### **Sections**

10.99.010	Purpose--Intent.
10.99.020	Definitions.
10.99.030	Law enforcement officers--Training, powers, duties--Domestic violence reports.
10.99.040	Duties of court--No-contact order.
10.99.045	Appearances by defendant--No-contact order.
10.99.050	Victim contact--Restriction, prohibition--Violation, penalties--Written order--Procedures--Notice of change.
10.99.055	Enforcement of orders.
10.99.060	Prosecutor's notice to victim--Description of available procedures.
10.99.070	Liability of peace officers.
10.99.900	Severability--1979 ex.s. c 105.

#### **Notes:**

*Arrest without warrant in domestic violence cases: RCW 10.31.100(2).*

*Domestic violence prevention: Chapter 26.50 RCW.*

*Rape crisis centers: Chapters 70.123 and 70.125 RCW.*

*Shelters for victims of domestic violence: Chapter 70.123 RCW.*

*Victims, survivors, and witnesses of crimes: Chapter 7.69 RCW.*

#### **RCW 10.99.010 Purpose--Intent.**

The purpose of this chapter is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. The legislature finds that the existing criminal statutes are adequate to provide protection for victims of domestic violence. However, previous societal attitudes have been reflected in policies and practices of law enforcement agencies and prosecutors which have resulted in differing treatment of crimes occurring between cohabitants and of the same crimes occurring between strangers. Only recently has public perception of the serious consequences of domestic violence to society and to the victims led to the recognition of the necessity for early intervention by law enforcement agencies. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

[1979 ex.s. c 105 § 1.]

#### **RCW 10.99.020 Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Family or household members" means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons sixteen years of age or older with whom a person sixteen years of age or older has or has had a dating relationship, and

persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

(2) "Dating relationship" has the same meaning as in RCW 26.50.010.

(3) "Domestic violence" includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.011);
  - (b) Assault in the second degree (RCW 9A.36.021);
  - (c) Assault in the third degree (RCW 9A.36.031);
  - (d) Assault in the fourth degree (RCW 9A.36.041);
  - (e) Drive-by shooting (RCW 9A.36.045);
  - (f) Reckless endangerment (RCW 9A.36.050);
  - (g) Coercion (RCW 9A.36.070);
  - (h) Burglary in the first degree (RCW 9A.52.020);
  - (i) Burglary in the second degree (RCW 9A.52.030);
  - (j) Criminal trespass in the first degree (RCW 9A.52.070);
  - (k) Criminal trespass in the second degree (RCW 9A.52.080);
  - (l) Malicious mischief in the first degree (RCW 9A.48.070);
  - (m) Malicious mischief in the second degree (RCW 9A.48.080);
  - (n) Malicious mischief in the third degree (RCW 9A.48.090);
  - (o) Kidnapping in the first degree (RCW 9A.40.020);
  - (p) Kidnapping in the second degree (RCW 9A.40.030);
  - (q) Unlawful imprisonment (RCW 9A.40.040);
  - (r) Violation of the provisions of a restraining order, no-contact order, or protection order restraining or enjoining the person or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.44.063, 26.44.150, 26.50.060, 26.50.070, 26.50.130, 26.52.070, or 74.34.145);
  - (s) Rape in the first degree (RCW 9A.44.040);
  - (t) Rape in the second degree (RCW 9A.44.050);
  - (u) Residential burglary (RCW 9A.52.025);
  - (v) Stalking (RCW 9A.46.110); and
  - (w) Interference with the reporting of domestic violence (RCW 9A.36.150).
- (4) "Victim" means a family or household member who has been subjected to domestic violence.

[2000 c 119 § 5; 1997 c 338 § 53; 1996 c 248 § 5; 1995 c 246 § 21; 1994 c 121 § 4; 1991 c 301 § 3; 1986 c 257 § 8; 1984 c 263 § 20; 1979 ex.s. c 105 § 2.]

#### Notes:

**Application--2000 c 119:** See note following RCW 26.50.021.

**Finding--Evaluation--Report--1997 c 338:** See note following RCW 13.40.0357.

**Severability--Effective dates--1997 c 338:** See notes following RCW 5.60.060.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Finding--1991 c 301:** "The legislature finds that:

The collective costs to the community for domestic violence include the systematic destruction of individuals and their families, lost lives, lost productivity, and increased health care, criminal justice, and social service costs.

Children growing up in violent homes are deeply affected by the violence as it happens and could be the next generation of batterers and victims.

Many communities have made headway in addressing the effects of domestic violence and have devoted energy and resources to stopping this violence. However, the process for breaking the cycle of abuse is lengthy. No single system intervention is enough in itself.

An integrated system has not been adequately funded and structured to assure access to a wide range of services, including those of the law/safety/justice system, human service system, and health care system. These services need to be coordinated and multidisciplinary in approach and address the needs of victims, batterers, and children from violent homes.

Given the lethal nature of domestic violence and its effect on all within its range, the community has a vested interest in the methods used to stop and prevent future violence. Clear standards of quality are needed so that perpetrator treatment programs receiving public funds or court-ordered referrals can be required to comply with these standards.

While incidents of domestic violence are not caused by perpetrator's use of alcohol and illegal substances, substance abuse may be a contributing factor to domestic violence and the injuries and deaths that result from it.

There is a need for consistent training of professionals who deal frequently with domestic violence or are in a position to identify domestic violence and provide support and information.

Much has been learned about effective interventions in domestic violence situations; however, much is not yet known and further study is required to know how to best stop this violence." [1991 c 301 § 1.]

**Severability--1986 c 257:** See note following RCW 9A.56.010.

**Effective date--1986 c 257 §§ 3-10:** See note following RCW 9A.04.110.

**Effective date--Severability--1984 c 263:** See RCW 26.50.901 and 26.50.902.

*Domestic violence defined under the Domestic Violence Prevention Act: RCW 26.50.010.*

#### **RCW 10.99.030            Law enforcement officers--Training, powers, duties--Domestic violence reports.**

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The criminal justice training commission shall implement by January 1, 1997, a course of instruction for the training of law enforcement officers in Washington in the handling of domestic violence complaints. The basic law enforcement curriculum of the criminal justice training commission shall include at least twenty hours of basic training instruction on the law enforcement response to domestic violence. The course of instruction, the learning and performance objectives, and the standards for the training shall be developed by the commission and focus on enforcing the criminal laws, safety of the victim, and holding the perpetrator accountable for the violence. The curriculum shall include training on the extent and prevalence of domestic violence, the importance of criminal justice intervention, techniques for responding to incidents that minimize the likelihood of officer injury and that promote victim safety, investigation and interviewing skills, evidence gathering and report writing, assistance to and services for victims and children, verification and enforcement of court orders, liability, and any additional provisions that are necessary to carry out the intention of this subsection.

(3) The criminal justice training commission shall develop and update annually an in-service training program to familiarize law enforcement officers with the domestic violence laws. The program shall include techniques for handling incidents of domestic violence that minimize the likelihood of injury to the officer and that promote the safety of all parties. The commission shall make the training program available to all law enforcement agencies in the state.

(4) Development of the training in subsections (2) and (3) of this section shall be conducted in conjunction with agencies having a primary responsibility for serving victims of domestic violence with emergency shelter and other services, and representatives to the statewide organization providing training and education to these organizations and to the general public.

(5) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(6)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal

proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(7) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a statewide twenty-four-hour toll-free hot line at (include appropriate phone number). The battered women's shelter and other resources in your area are . . . . (include local information)"

(8) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(9) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

(10) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

(11) Records kept pursuant to subsections (6) and (10) of this section shall be made identifiable by means of a departmental code for domestic violence.

(12) Commencing January 1, 1994, records of incidents of domestic violence shall be submitted, in accordance with procedures described in this subsection, to the Washington association of sheriffs and police chiefs by all law enforcement agencies. The Washington criminal justice training commission shall amend its contract for collection of statewide crime data with the Washington association of sheriffs and police chiefs:

(a) To include a table, in the annual report of crime in Washington produced by the Washington association of sheriffs and police chiefs pursuant to the contract, showing the total number of actual offenses and the number and percent of the offenses that are domestic violence incidents for the following crimes: (i) Criminal homicide, with subtotals for murder and nonnegligent homicide and manslaughter by negligence; (ii) forcible rape, with subtotals for rape by force and attempted forcible rape; (iii) robbery, with subtotals for firearm, knife or cutting instrument, or other dangerous weapon, and strongarm robbery; (iv) assault, with subtotals for firearm, knife or cutting instrument, other dangerous weapon, hands, feet, aggravated, and other nonaggravated assaults; (v) burglary, with subtotals for forcible entry, nonforcible unlawful entry, and attempted forcible entry; (vi) larceny theft, except motor vehicle theft; (vii) motor vehicle theft, with subtotals for autos, trucks and buses, and other vehicles; (viii) arson; and (ix) violations of the provisions of a protection order or no-contact order restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, provided that specific appropriations are subsequently made for the collection and compilation of data regarding violations of protection orders or no-contact orders;

(b) To require that the table shall continue to be prepared and contained in the annual report of crime in Washington until that time as comparable or more detailed information about domestic violence incidents is available through the Washington state incident based reporting system and the information is prepared and contained in the annual report of crime in Washington; and

(c) To require that, in consultation with interested persons, the Washington association of sheriffs and police chiefs prepare and disseminate procedures to all law enforcement agencies in the state as to how the agencies shall code and report domestic violence incidents to the Washington association of sheriffs and police chiefs.

[1996 c 248 § 6; 1995 c 246 § 22; 1993 c 350 § 3; 1984 c 263 § 21; 1981 c 145 § 5; 1979 ex.s. c 105 § 3.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Findings--Severability--1993 c 350:** See notes following RCW 26.50.035.

**Effective date--Severability--1984 c 263:** See RCW 26.50.901 and 26.50.902.

**RCW 10.99.040 Duties of court--No-contact order.**

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is punishable under RCW 26.50.110.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and

will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

[2000 c 119 § 18; 1997 c 338 § 54; 1996 c 248 § 7; 1995 c 246 § 23; 1994 sp.s. c 7 § 449; 1992 c 86 § 2; 1991 c 301 § 4; 1985 c 303 § 10; 1984 c 263 § 22; 1983 c 232 § 7; 1981 c 145 § 6; 1979 ex.s. c 105 § 4.]

**Notes:**

**Application--2000 c 119:** See note following RCW 26.50.021.

**Finding--Evaluation--Report--1997 c 338:** See note following RCW 13.40.0357.

**Severability--Effective dates--1997 c 338:** See notes following RCW 5.60.060.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Finding--Intent--Severability--1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date--1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Finding--1991 c 301:** See note following RCW 10.99.020.

**Effective date--Severability--1984 c 263:** See RCW 26.50.901 and 26.50.902.

**Severability--1983 c 232:** See note following RCW 9.41.010.

*Child abuse, temporary restraining order:* RCW 26.44.063.

*Orders for protection in cases of domestic violence:* RCW 26.50.030, 26.50.070.

*Temporary restraining order:* RCW 26.09.060.

**RCW 10.99.045      Appearances by defendant--No-contact order.**

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions authorized under RCW 9.41.800 and 10.99.040.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.



(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in \*RCW 10.99.040 (2) and (4).

[2000 c 119 § 19; 1998 c 55 § 2; 1994 sp.s. c 7 § 450; 1984 c 263 § 23; 1983 c 232 § 8; 1981 c 145 § 7.]

**Notes:**

**\*Reviser's note:** RCW 10.99.040 was amended by 1985 c 303 § 10 changing subsection (4) to subsection (5); and was subsequently amended by 2000 c 119 § 18 changing subsection (5) to subsection (6).

**Application--2000 c 119:** See note following RCW 26.50.021.

**Finding--Intent--Severability--1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date--1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Effective date--Severability--1984 c 263:** See RCW 26.50.901 and 26.50.902.

**Severability--1983 c 232:** See note following RCW 9.41.010.

**RCW 10.99.050      Victim contact--Restriction, prohibition--Violation, penalties--Written order--Procedures--Notice of change.**

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2)(a) Willful violation of a court order issued under this section is punishable under RCW 26.50.110.

(b) The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony.

(3) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

(4) If an order prohibiting contact issued pursuant to this section is modified or terminated, the clerk of the court shall notify the law enforcement agency specified in the order on or before the next judicial day. Upon receipt of notice that an order has been terminated, the law enforcement agency shall remove the order from any computer-based criminal intelligence system.

[2000 c 119 § 20; 1997 c 338 § 55; 1996 c 248 § 8; 1991 c 301 § 5; 1985 c 303 § 12; 1984 c 263 § 24; 1979 ex.s. c 105 § 5.]

**Notes:**

**Application--2000 c 119:** See note following RCW 26.50.021.

**Finding--Evaluation--Report--1997 c 338:** See note following RCW 13.40.0357.

**Severability--Effective dates--1997 c 338:** See notes following RCW 5.60.060.

**Finding--1991 c 301:** See note following RCW 10.99.020.

**Effective date--Severability--1984 c 263:** See RCW 26.50.901 and 26.50.902.

**RCW 10.99.055      Enforcement of orders.**

A peace officer in this state shall enforce an order issued by any court in this state restricting a defendant's ability to have contact with a victim by arresting and taking the defendant into custody,

pending release on bail, personal recognizance, or court order, when the officer has probable cause to believe that the defendant has violated the terms of that order.

[1984 c 263 § 25; 1983 c 232 § 9; 1981 c 145 § 8.]

**Notes:**

**Effective date--Severability--1984 c 263:** See RCW 26.50.901 and 26.50.902.

**Severability--1983 c 232:** See note following RCW 9.41.010.

**RCW 10.99.060            Prosecutor's notice to victim--Description of available procedures.**

The public attorney responsible for making the decision whether or not to prosecute shall advise the victim of that decision within five days, and, prior to making that decision shall advise the victim, upon the victim's request, of the status of the case. Notification to the victim that charges will not be filed shall include a description of the procedures available to the victim in that jurisdiction to initiate a criminal proceeding.

[1979 ex.s. c 105 § 6.]

**RCW 10.99.070            Liability of peace officers.**

A peace officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of domestic violence brought by any party to the incident.

[1979 ex.s. c 105 § 7.]

**RCW 10.99.900            Severability--1979 ex.s. c 105.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1979 ex.s. c 105 § 9.]

## Chapter 26.50 RCW DOMESTIC VIOLENCE PREVENTION

Sections	
26.50.010	Definitions.
26.50.020	Commencement of action--Jurisdiction--Venue.
26.50.021	Actions on behalf of vulnerable adults--Authority of department of social and health services--Immunity from liability.
26.50.025	Orders under this chapter and chapter 26.09, 26.10, or 26.26 RCW--Enforcement--Consolidation.
26.50.030	Petition for an order for protection--Availability of forms and informational brochures--Bond not required.
26.50.035	Development of instructions, informational brochures, forms, and handbook by the administrator for the courts--Community resource list--Distribution of master copy.
26.50.040	Fees not permitted--Filing, service of process, certified copies.
26.50.050	Hearing--Service--Time.
26.50.055	Appointment of interpreter.
26.50.060	Relief--Duration--Realignment of designation of parties--Award of costs, service fees, and attorneys' fees.
26.50.070	Ex parte temporary order for protection.
26.50.080	Issuance of order--Assistance of peace officer--Designation of appropriate law enforcement agency.
26.50.085	Hearing reset after ex parte order--Service by publication--Circumstances.
26.50.090	Order--Service--Fees.
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26.50.110	Violation of order--Penalties.
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26.50.120	Violation of order--Prosecuting attorney or attorney for municipality may be requested to assist--Costs and attorney's fee.
26.50.123	Service by mail.
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26.50.130	Order--Modification--Transmittal.
26.50.135	Residential placement or custody of a child--Prerequisite.
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26.50.150	Domestic violence perpetrator programs.
26.50.160	Judicial information system--Data base (as amended by 2000 c 51).
26.50.160	Judicial information system--Data base (as amended by 2000 c 119).
26.50.165	Judicial information system--Names of adult cohabitants in third-party custody actions.
26.50.200	Title to real estate--Effect.
26.50.210	Proceedings additional.
26.50.220	Parenting plan--Designation of parent for other state and federal purposes.
26.50.900	Short title.
26.50.901	Effective date--1984 c 263.
26.50.902	Severability--1984 c 263.
26.50.903	Severability--1992 c 111.

### Notes:

**Abuse of children:** Chapter 26.44 RCW.  
**Arrest without warrant:** RCW 10.31.100(2).  
**Dissolution of marriage:** Chapter 26.09 RCW.  
**Domestic violence, official response:** Chapter 10.99 RCW.  
**Nonparental actions for child custody:** Chapter 26.10 RCW.  
**Shelters for victims of domestic violence:** Chapter 70.123 RCW.

[1995 c 246 § 2.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.030          Petition for an order for protection--Availability of forms and informational brochures--Bond not required.**

There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. Petitioner and respondent shall disclose the existence of any other litigation concerning the custody or residential placement of a child of the parties as set forth in \*RCW 26.27.090 and the existence of any other restraining, protection, or no-contact orders between the parties.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties except in cases where the court realigns petitioner and respondent in accordance with RCW 26.50.060(4).

(3) Within ninety days of receipt of the master copy from the administrator for the courts, all court clerk's offices shall make available the standardized forms, instructions, and informational brochures required by RCW 26.50.035 and shall fill in and keep current specific program names and telephone numbers for community resources. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

[1996 c 248 § 12; 1995 c 246 § 3; 1992 c 111 § 2; 1985 c 303 § 2; 1984 c 263 § 4.]

**NOTES:**

\***Reviser's note:** RCW 26.27.090 was repealed by 2001 c 65 § 403. Later enactment, see RCW 26.27.281.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Findings--1992 c 111:** "The legislature finds that:

Domestic violence is a problem of immense proportions affecting individuals as well as communities. Domestic violence has long been recognized as being at the core of other major social problems: Child abuse, other crimes of violence against person or property, juvenile delinquency, and alcohol and drug abuse. Domestic violence costs millions of dollars each year in the state of Washington for health care, absence from work, services to children, and more. The crisis is growing.

While the existing protection order process can be a valuable tool to increase safety for victims and to hold batterers accountable, specific problems in its use have become evident. Victims have difficulty completing the paperwork required particularly if they have limited English proficiency; model forms have been modified to be inconsistent with statutory language; different forms create confusion for law enforcement agencies about the contents and enforceability of orders. Refinements are needed so that victims have the easy, quick, and effective access to the court system envisioned at the time the protection order process was first created.

When courts issue mutual protection orders without the filing of separate written petitions, notice to each respondent, and hearing on each petition, the original petitioner is deprived of due process. Mutual protection orders label both parties as violent and treat both as being equally at fault: Batterers conclude that the violence is excusable or provoked and victims who are not violent are confused and stigmatized. Enforcement may be ineffective and mutual orders may be used in other proceedings as evidence that the victim is equally at fault.

Valuable information about the reported incidents of domestic violence in the state of Washington is unobtainable without gathering data from all law enforcement agencies; without this information, it is difficult for policymakers, funders, and service providers to plan for the resources and services needed to address the issue.

Domestic violence must be addressed more widely and more effectively in our state: Greater knowledge by professionals who deal frequently with domestic violence is essential to enforce existing laws, to intervene in domestic violence situations that do not come to the attention of the law enforcement or judicial systems, and to reduce and prevent domestic violence by intervening before the violence becomes severe.

Adolescent dating violence is occurring at increasingly high rates: Preventing and confronting adolescent violence is important in preventing potential violence in future adult relationships." [1992 c 111 § 1.]

**Effective date--1985 c 303 §§ 1, 2:** See note following RCW 26.50.020.

*Child abuse, temporary restraining order:* RCW 26.44.063.

*Orders prohibiting contact:* RCW 10.99.040.

*Temporary restraining order:* RCW 26.09.060.

**RCW 26.50.035      Development of instructions, informational brochures, forms, and handbook by the administrator for the courts--Community resource list--Distribution of master copy.**

(1) The administrator for the courts shall develop and prepare instructions and informational brochures required under RCW 26.50.030(4), standard petition and order for protection forms, and a court staff handbook on domestic violence and the protection order process. The standard petition and order for protection forms must be used after September 1, 1994, for all petitions filed and orders issued under this chapter. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including a representative of the state domestic violence coalition, judges, and law enforcement personnel.

(a) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of standard petition and order for protection forms.

(b) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating a domestic violence protection order as provided under this chapter, an antiharassment no-contact order as provided under chapter 9A.46 RCW, a domestic violence no-contact order as provided under chapter 10.99 RCW, a restraining order as provided under chapters 26.09, 26.10, 26.26, and 26.44 RCW, an antiharassment protection order as provided by chapter 10.14 RCW, and a foreign protection order as defined in chapter 26.52 RCW.

(c) The order for protection form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You can be arrested even if the person or persons who obtained the order invite or allow you to violate the order's prohibitions. The respondent has the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application."

(d) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(2) All court clerks shall obtain a community resource list from a domestic violence program, defined in RCW 70.123.020, serving the county in which the court is located. The community resource list shall include the names and telephone numbers of domestic violence programs serving the community in which the court is located, including law enforcement agencies, domestic violence agencies, sexual assault agencies, legal assistance programs, interpreters, multicultural programs, and batterers' treatment programs. The court shall make the community resource list available as part of or in addition to the informational brochures described in subsection (1) of this section.

(3) The administrator for the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts.

(4) For purposes of this section, "court clerks" means court administrators in courts of limited jurisdiction and elected court clerks.

(5) The administrator for the courts shall determine the significant non-English-speaking or limited English-speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by January 1, 1997.

(6) The administrator for the courts shall update the instructions, brochures, standard petition and order for protection forms, and court staff handbook when changes in the law make an update necessary.

[2000 c 119 § 14; 1995 c 246 § 4; 1993 c 350 § 2; 1985 c 303 § 3; 1984 c 263 § 31.]

**Notes:**

**Application--2000 c 119:** See note following RCW 26.50.021.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Findings--1993 c 350:** "The legislature finds that domestic violence is a problem of immense proportions affecting individuals as well as communities. Domestic violence has long been recognized as being at the core of other major social problems including child abuse, crimes of violence against person or property, juvenile delinquency, and alcohol and drug abuse. Domestic violence costs include the loss of lives as well as millions of dollars each year in the state of Washington for health care, absence from work, and services to children. The crisis is growing.

While the existing protection order process can be a valuable tool to increase safety for victims and to hold batterers accountable, specific problems in its use have become evident. Victims have difficulty completing the paperwork required; model forms have been modified to be inconsistent with statutory language; different forms create confusion for law enforcement agencies about the contents and enforceability of orders. Refinements are needed so that victims have the easy, quick, and effective access to the court system envisioned at the time the protection order process was first created.

Valuable information about the reported incidents of domestic violence in the state of Washington is unobtainable without gathering data from all law enforcement agencies. Without this information, it is difficult for policymakers, funders, and service providers to plan for the resources and services needed to address the issue." [1993 c 350 § 1.]

**Severability--1993 c 350:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 350 § 9.]

**RCW 26.50.040 Fees not permitted--Filing, service of process, certified copies.**

No fees for filing or service of process may be charged by a public agency to petitioners seeking relief under this chapter. Petitioners shall be provided the necessary number of certified copies at no cost.

[1995 c 246 § 5; 1985 c 303 § 4; 1984 c 263 § 5.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.050 Hearing--Service--Time.**

Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from further acts of domestic violence. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. Except as provided in RCW 26.50.085 and 26.50.123, personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional

attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or service by mail as provided in RCW 26.50.123. If the court permits service by publication or by mail, the court shall set the hearing date not later than twenty-four days from the date of the order. The court may issue an ex parte order for protection pending the hearing as provided in RCW 26.50.070, 26.50.085, and 26.50.123.

[1995 c 246 § 6; 1992 c 143 § 1; 1984 c 263 § 6.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.055 Appointment of interpreter.**

(1) Pursuant to chapter 2.42 RCW, an interpreter shall be appointed for any party who, because of a hearing or speech impairment, cannot readily understand or communicate in spoken language.

(2) Pursuant to chapter 2.43 RCW, an interpreter shall be appointed for any party who cannot readily speak or understand the English language.

(3) The interpreter shall translate or interpret for the party in preparing forms, participating in the hearing and court-ordered assessments, and translating any orders.

[1995 c 246 § 11.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.060 Relief--Duration--Realignment of designation of parties--Award of costs, service fees, and attorneys' fees.**

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

- (j) Consider the provisions of RCW 9.41.800;
- (k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included; and
- (l) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in \*subsection (1)(f) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.



**Notes:**

**\*Reviser's note:** Subsection (1)(f) of this section was renumbered as subsection (1)(g) by 2000 c 119 § 15.

**Application--2000 c 119:** See note following RCW 26.50.021.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Finding--Intent--Severability--1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date--1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Findings--1992 c 111:** See note following RCW 26.50.030.

**Short title--Section captions--Effective date--Severability--1987 c 460:** See RCW 26.09.910 through 26.09.913.

**RCW 26.50.070 Ex parte temporary order for protection.**

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

- (a) Restraining any party from committing acts of domestic violence;
- (b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;
- (c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
- (d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;
- (e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; and
- (f) Considering the provisions of RCW 9.41.800.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

[2000 c 119 § 16; 1996 c 248 § 14; 1995 c 246 § 8; 1994 sp.s. c 7 § 458; 1992 c 143 § 3; 1989 c 411 § 2; 1984 c 263 § 8.]

**Notes:**

**Application--2000 c 119:** See note following RCW 26.50.021.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Finding--Intent--Severability--1994 sp.s. c 7:** See notes following RCW 43.70.540.

**Effective date--1994 sp.s. c 7 §§ 401-410, 413-416, 418-437, and 439-460:** See note following RCW 9.41.010.

**Child abuse, temporary restraining order:** RCW 26.44.063.

**Orders prohibiting contact:** RCW 10.99.040.

**Temporary restraining order:** RCW 26.09.060.

**RCW 26.50.080 Issuance of order--Assistance of peace officer--Designation of appropriate law enforcement agency.**

(1) When an order is issued under this chapter upon request of the petitioner, the court may order a peace officer to accompany the petitioner and assist in placing the petitioner in possession of those items indicated in the order or to otherwise assist in the execution of the order of protection. The order shall list all items that are to be included with sufficient specificity to make it clear which property is included. Orders issued under this chapter shall include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order.

(2) Upon order of a court, a peace officer shall accompany the petitioner in an order of protection and assist in placing the petitioner in possession of all items listed in the order and to otherwise assist in the execution of the order.

[1995 c 246 § 9; 1984 c 263 § 9.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.085 Hearing reset after ex parte order--Service by publication--Circumstances.**

(1) If the respondent was not personally served with the petition, notice of hearing, and ex parte order before the hearing, the court shall reset the hearing for twenty-four days from the date of entry of the order and may order service by publication instead of personal service under the following circumstances:

(a) The sheriff or municipal officer files an affidavit stating that the officer was unable to complete personal service upon the respondent. The affidavit must describe the number and types of attempts the officer made to complete service;

(b) The petitioner files an affidavit stating that the petitioner believes that the respondent is hiding from the server to avoid service. The petitioner's affidavit must state the reasons for the belief that the petitioner [respondent] is avoiding service;

(c) The server has deposited a copy of the summons, in substantially the form prescribed in subsection (3) of this section, notice of hearing, and the ex parte order of protection in the post office, directed to the respondent at the respondent's last known address, unless the server states that the server does not know the respondent's address; and

(d) The court finds reasonable grounds exist to believe that the respondent is concealing himself or herself to avoid service, and that further attempts to personally serve the respondent would be futile or unduly burdensome.

(2) The court shall reissue the temporary order of protection not to exceed another twenty-four days from the date of reissuing the ex parte protection order and order to provide service by publication.

(3) The publication shall be made in a newspaper of general circulation in the county where the petition was brought and in the county of the last known address of the respondent once a week for three consecutive weeks. The newspaper selected must be one of the three most widely circulated papers in the

county. The publication of summons shall not be made until the court orders service by publication under this section. Service of the summons shall be considered complete when the publication has been made for three consecutive weeks. The summons must be signed by the petitioner. The summons shall contain the date of the first publication, and shall require the respondent upon whom service by publication is desired, to appear and answer the petition on the date set for the hearing. The summons shall also contain a brief statement of the reason for the petition and a summary of the provisions under the ex parte order. The summons shall be essentially in the following form:

In the . . . . . court of the state of Washington for  
the county of . . . . .

....., Petitioner

vs.

No. . . . .

....., Respondent

The state of Washington to .....(respondent):

You are hereby summoned to appear on the . . . . day of . . . . ., 19 . . . , at . . . . a.m./p.m., and respond to the petition. If you fail to respond, an order of protection will be issued against you pursuant to the provisions of the domestic violence protection act, chapter 26.50 RCW, for a minimum of one year from the date you are required to appear. A temporary order of protection has been issued against you, restraining you from the following: (Insert a brief statement of the provisions of the ex parte order). A copy of the petition, notice of hearing, and ex parte order has been filed with the clerk of this court.

.....  
Petitioner .....

[1992 c 143 § 4.]

#### **RCW 26.50.090            Order--Service--Fees.**

(1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsections (6) and (8) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(7) Municipal police departments serving documents as required under this chapter may collect from respondents ordered to pay fees under RCW 26.50.060 the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

(8) If the court previously entered an order allowing service of the notice of hearing and temporary order of protection by publication pursuant to RCW 26.50.085 or by mail pursuant to RCW 26.50.123, the court may permit service by publication or by mail of the order of protection issued under RCW 26.50.060. Service by publication must comply with the requirements of RCW 26.50.085 and service by mail must comply with the requirements of RCW 26.50.123. The court order must state whether the court permitted service by publication or by mail.

[1995 c 246 § 10; 1992 c 143 § 6; 1985 c 303 § 6; 1984 c 263 § 10.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.095            Order following service by publication.**

Following completion of service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123, if the respondent fails to appear at the hearing, the court may issue an order of protection as provided in RCW 26.50.060. That order must be served pursuant to RCW 26.50.090, and forwarded to the appropriate law enforcement agency pursuant to RCW 26.50.100.

[1995 c 246 § 12; 1992 c 143 § 5.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.100            Order--Transmittal to law enforcement agency--Record in law enforcement information system--Enforceability.**

(1) A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in the computer for the period stated in the order. The law enforcement agency shall only expunge from the computer-based criminal intelligence information system orders that are expired, vacated, or superseded. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(2) The information entered into the computer-based criminal intelligence information system shall include notice to law enforcement whether the order was personally served, served by publication, or served by mail.

[1996 c 248 § 15; 1995 c 246 § 13; 1992 c 143 § 7; 1984 c 263 § 11.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.110            Violation of order--Penalties.**

(1) Whenever an order is granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of the restraint provisions, or of a provision excluding the person from a residence, workplace, school, or day care, or of a provision prohibiting a

person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or of a provision of a foreign protection order specifically indicating that a violation will be a crime, for which an arrest is required under RCW 10.31.100(2) (a) or (b), is a gross misdemeanor except as provided in subsections (4) and (5) of this section. Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

[2000 c 119 § 24; 1996 c 248 § 16; 1995 c 246 § 14; 1992 c 86 § 5; 1991 c 301 § 6; 1984 c 263 § 12.]

**Notes:**

**Application--2000 c 119:** See note following RCW 26.50.021.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**Finding--1991 c 301:** See note following RCW 10.99.020.

**Violation of order protecting vulnerable adult:** RCW 74.34.145.

**RCW 26.50.115      Enforcement of ex parte order--Knowledge of order prerequisite to penalties--Reasonable efforts to serve copy of order.**

(1) When the court issues an ex parte order pursuant to RCW 26.50.070 or an order of protection pursuant to RCW 26.50.060, the court shall advise the petitioner that the respondent may not be subjected

to the penalties set forth in RCW 26.50.110 for a violation of the order unless the respondent knows of the order.

(2) When a peace officer investigates a report of an alleged violation of an order for protection issued under this chapter the officer shall attempt to determine whether the respondent knew of the existence of the protection order. If the law enforcement officer determines that the respondent did not or probably did not know about the protection order and the officer is provided a current copy of the order, the officer shall serve the order on the respondent if the respondent is present. If the respondent is not present, the officer shall make reasonable efforts to serve a copy of the order on the respondent. If the officer serves the respondent with the petitioner's copy of the order, the officer shall give petitioner a receipt indicating that petitioner's copy has been served on the respondent. After the officer has served the order on the respondent, the officer shall enforce prospective compliance with the order.

(3) Presentation of an unexpired, certified copy of a protection order with proof of service is sufficient for a law enforcement officer to enforce the order regardless of the presence of the order in the law enforcement computer-based criminal intelligence information system.

[1996 c 248 § 17; 1995 c 246 § 15; 1992 c 143 § 8.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.120 Violation of order--Prosecuting attorney or attorney for municipality may be requested to assist--Costs and attorney's fee.**

When a party alleging a violation of an order for protection issued under this chapter states that the party is unable to afford private counsel and asks the prosecuting attorney for the county or the attorney for the municipality in which the order was issued for assistance, the attorney shall initiate and prosecute a contempt proceeding if there is probable cause to believe that the violation occurred. In this action, the court may require the violator of the order to pay the costs incurred in bringing the action, including a reasonable attorney's fee.

[1984 c 263 § 13.]

**RCW 26.50.123 Service by mail.**

(1) In circumstances justifying service by publication under RCW 26.50.085(1), if the serving party files an affidavit stating facts from which the court determines that service by mail is just as likely to give actual notice as service by publication and that the serving party is unable to afford the cost of service by publication, the court may order that service be made by mail. Such service shall be made by any person over eighteen years of age, who is competent to be a witness, other than a party, by mailing copies of the order and other process to the party to be served at his or her last known address or any other address determined by the court to be appropriate. Two copies shall be mailed, postage prepaid, one by ordinary first class mail and the other by a form of mail requiring a signed receipt showing when and to whom it was delivered. The envelopes must bear the return address of the sender.

(2) Proof of service under this section shall be consistent with court rules for civil proceedings.

(3) Service under this section may be used in the same manner and shall have the same jurisdictional effect as service by publication for purposes of this chapter. Service shall be deemed complete upon the mailing of two copies as prescribed in this section.

[1995 c 246 § 16.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.125      Service by publication or mailing--Costs.**

Except as provided in RCW 10.14.055, the court may permit service by publication or by mail under this chapter only if the petitioner pays the cost of publication or mailing unless the county legislative authority allocates funds for service of process by publication or by mail for indigent petitioners.

[2002 c 117 § 5; 1995 c 246 § 17; 1992 c 143 § 9.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.130      Order--Modification--Transmittal.**

Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing order for protection. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system.

[1984 c 263 § 14.]

**RCW 26.50.135      Residential placement or custody of a child--Prerequisite.**

(1) Before granting an order under this chapter directing residential placement of a child or restraining or limiting a party's contact with a child, the court shall consult the judicial information system, if available, to determine the pendency of other proceedings involving the residential placement of any child of the parties for whom residential placement has been requested.

(2) Jurisdictional issues regarding out-of-state proceedings involving the custody or residential placement of any child of the parties shall be governed by the uniform child custody jurisdiction act, chapter 26.27 RCW.

[1995 c 246 § 19.]

**Notes:**

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.140      Peace officers--Immunity.**

No peace officer may be held criminally or civilly liable for making an arrest under RCW 26.50.110 if the police officer acts in good faith and without malice.

[1984 c 263 § 17.]

**RCW 26.50.150      Domestic violence perpetrator programs.**

The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs that accept perpetrators of domestic violence into treatment to satisfy court orders or that represent the programs as ones that treat domestic violence perpetrators. The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including: Current and past violence history; a lethality risk assessment; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence. If the perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department may adopt rules and establish fees as necessary to implement this section.

[1999 c 147 § 1; 1991 c 301 § 7.]

**Notes:**

**Finding--1991 c 301:** See note following RCW 10.99.020.

**RCW 26.50.160            Judicial information system--Data base (as amended by 2000 c 51).**

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapter 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody



action under chapter 26.10 RCW, (and) every parentage action under chapter 26.10 RCW, and every order for protection issued under chapter 74.34 RCW;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

[2000 c 51 § 1; 1995 c 246 § 18.]

**RCW 26.50.160            Judicial information system--Data base (as amended by 2000 c 119).**

To prevent the issuance of competing protection orders in different courts and to give courts needed information for issuance of orders, the judicial information system shall be available in each district, municipal, and superior court by July 1, 1997, and shall include a data base containing the following information:

(1) The names of the parties and the cause number for every order of protection issued under this title, every criminal no-contact order issued under chapters 9A.46 and 10.99 RCW, every antiharassment order issued under chapter 10.14 RCW, every dissolution action under chapter 26.09 RCW, every third-party custody action under chapter 26.10 RCW, (and) every parentage action under chapter (26.10) 26.26 RCW, every restraining order issued on behalf of an abused child or adult dependent person under chapter 26.44 RCW, every foreign protection order filed under chapter 26.52 RCW, and every order for protection of a vulnerable adult under chapter 74.34 RCW. When a guardian or the department of social and health services has petitioned for relief on behalf of an abused child, adult dependent person, or vulnerable adult, the name of the person on whose behalf relief was sought shall be included in the data base as a party rather than the guardian or department;

(2) A criminal history of the parties; and

(3) Other relevant information necessary to assist courts in issuing orders under this chapter as determined by the judicial information system committee.

[2000 c 119 § 25; 1995 c 246 § 18.]

**Notes:**

**Reviser's note:** RCW 26.50.160 was amended twice during the 2000 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

**Application--2000 c 119:** See note following RCW 26.50.021.

**Severability--1995 c 246:** See note following RCW 26.50.010.

**RCW 26.50.165            Judicial information system--Names of adult cohabitants in third-party custody actions.**

In addition to the information required to be included in the judicial information system under RCW 26.50.160, the data base shall contain the names of any adult cohabitant of a petitioner to a third-party custody action under chapter 26.10 RCW.

[2003 c 105 § 4.]

**RCW 26.50.200            Title to real estate--Effect.**

Nothing in this chapter may affect the title to real estate: PROVIDED, That a judgment for costs or fees awarded under this chapter shall constitute a lien on real estate to the extent provided in chapter 4.56 RCW.

[1985 c 303 § 7; 1984 c 263 § 15.]

**RCW 26.50.210 Proceedings additional.**

Any proceeding under chapter 263, Laws of 1984 is in addition to other civil or criminal remedies.

[1984 c 263 § 16.]

**RCW 26.50.220 Parenting plan--Designation of parent for other state and federal purposes.**

Solely for the purposes of all other state and federal statutes which require a designation or determination of custody, a parenting plan shall designate the parent with whom the child is scheduled to reside a majority of the time as the custodian of the child. However, this designation shall not affect either parent's rights and responsibilities under the parenting plan. In the absence of such a designation, the parent with whom the child is scheduled to reside the majority of the time shall be deemed to be the custodian of the child for the purposes of such federal and state statutes.

[1989 c 375 § 26.]

**Notes:**

**Severability--1989 c 375:** See RCW 26.09.914.

**RCW 26.50.900 Short title.**

This chapter may be cited as the "Domestic Violence Prevention Act".

[1984 c 263 § 1.]

**RCW 26.50.901 Effective date--1984 c 263.**

Sections 1 through 29 of this act shall take effect on September 1, 1984.

[1984 c 263 § 32.]

**RCW 26.50.902 Severability--1984 c 263.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1984 c 263 § 33.]

**RCW 26.50.903 Severability--1992 c 111.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1992 c 111 § 14.]

# ORDERS/NOTICE AND FORMS





IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KITSAP

Petitioner

vs.

Respondent

NO.

**ORDER FOR PROTECTION**  
(ORPRT) (All Cases)  
(Clerk's Action Required)

Court Address: 614 Division St MS-34  
Port Orchard, WA 98366  
Telephone Number (360) 337-7164

The court has jurisdiction over the parties, the minors, and the subject matter. ☐ If minors are involved, this state ☐ has exclusive continuing jurisdiction ☐ is the home state; ☐ no other state has exclusive continuing jurisdiction; ☐ other: \_\_\_\_\_

Notice of this hearing was served on the respondent by ☐ personal service ☐ service by mail pursuant to court order ☐ service by publication pursuant to court order ☐ other: \_\_\_\_\_

This order is issued in accordance with the Full Faith and Credit provisions of VAWA: 18 U.S.C. § 2265.

Identification of Minors: ☐ No minors involved.

Name (First, Middle Initial, Last)	Age	Race	Sex	Name (First, Middle Initial, Last)	Age	Race	Sex

Based upon the petition, testimony, and case record,

☐ The court **finds** that the respondent committed domestic violence as defined in RCW 26.50.010 and represents a credible threat to the physical safety of petitioner, and

☐ The Respondent has **agreed** to issuance of the restraints herein, and

**IT IS THEREFORE ORDERED THAT:**

1 <b>X</b>	Respondent is <b>RESTRAINED</b> from causing physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking <b>X</b> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only.
---------------	--

2	Respondent is <b>RESTRAINED</b> from coming near and from having any contact whatsoever, in person or through others, by phone, mail, or any means, directly or indirectly, except for mailing or service of process of court documents by a 3 <sup>rd</sup> party or contact by Respondent's lawyer(s) with <input type="checkbox"/> petitioner <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only: <input type="checkbox"/> Except to coordinate visitation If both parties are in the same location, respondent shall leave.
3	Respondent is <b>EXCLUDED</b> from petitioner's <b>X</b> residence <input type="checkbox"/> workplace <input type="checkbox"/> school; <input type="checkbox"/> the daycare or school of the minors in the table above. Petitioner's address is <input type="checkbox"/> confidential. <input type="checkbox"/> Petitioner waives confidentiality of the address which is:.
4	Petitioner shall have exclusive right to the residence that petitioner and respondent share. The respondent shall immediately <b>VACATE</b> the residence. The respondent may take respondent's personal clothing and tools of trade from the residence while a law enforcement officer is present.
5	Respondent is <b>RESTRAINED</b> knowingly coming within, or knowingly remaining within <b>500 Feet</b> of petitioner's <input type="checkbox"/> residence <input type="checkbox"/> workplace <input type="checkbox"/> school <input type="checkbox"/> day care or school of <input type="checkbox"/> the minors named in the table on page one <input type="checkbox"/> these minors only: <input type="checkbox"/> other
6	Petitioner is granted use of the following:  <input type="checkbox"/> The Respondent may return Petitioners residence on _____ at _____ AM/PM to retrieve those items of personal property as agreed.
7	OTHER: _____ _____ _____ _____
8	Respondent shall participate in treatment and counseling as follows: <input type="checkbox"/> domestic violence perpetrator treatment program approved under RCW 26.50.150 or counseling. <input type="checkbox"/> parenting classes at: <input type="checkbox"/> drug/alcohol treatment at: <input type="checkbox"/> other:
9 <b>X</b>	Petitioner may request modification of visitation if Respondent fails to comply with treatment of counseling as ordered by the court.
10	<input type="checkbox"/> Parties may have contact with each other <input type="checkbox"/> at the Dispute Resolution Center <input type="checkbox"/> in counseling <input type="checkbox"/> in a public place. <input type="checkbox"/> other:
11	Parties shall return to court on _____ at _____ m. for review.

Complete only if the protection ordered involves children	
12	The <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent is <b>GRANTED</b> the temporary care, custody, and control of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
13	The <input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner is <b>RESTRAINED</b> from interfering with petitioner's physical or legal custody of <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:

14	The <input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner is <b>RESTRAINED</b> from removing from the <input type="checkbox"/> State of Washington <input type="checkbox"/> school <input type="checkbox"/> day care facility <input type="checkbox"/> the minors named in the table above <input type="checkbox"/> these minors only:
15	Unless a No Contact, Protection Order or Order of Pre-trial Release exists, the <input type="checkbox"/> Respondent <input type="checkbox"/> Petitioner will be allowed visitations as follows: <input type="checkbox"/> In accordance with the terms and provisions of the Parenting Plan under Kitsap Co Superior Court no. _____ <input type="checkbox"/> * Alternating weekends from _____, _____ AM/PM through _____, _____ AM/PM. <input type="checkbox"/> * Visitation shall be supervised by: _____ <input type="checkbox"/> * Visitation shall be arranged through and coordinated by: _____ <input type="checkbox"/> * Other: <input type="checkbox"/> * These Orders on visitation shall expire 60 days from the date of this Order. Further Orders on visitation must be pursuant to an appropriate action concerning residential placement and visitation, including an action for Paternity, or further application in this Domestic Violence action.
16	The <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent shall not use nor consume any alcohol and/or any illegal drug during visitation or within twenty-four (24) hours of visitation.

**If the person with whom the child resides a majority of the time plans to relocate the child, that person must comply with the notice requirements of the Child Relocation Act. Persons entitled to time with the child under a court order may object to the proposed relocation. See RCW 26.09, RCW 26.10 or RCW 26.26 for more information.**

**WARNINGS TO THE RESPONDENT:** Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest. If the violation of the protection order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, the defendant may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Violation of this order is a gross misdemeanor unless one of the following conditions apply: Any assault that is a violation of this order and that does not amount to assault in the first degree or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony. Also, a violation of this order is a class C felony if the defendant has at least 2 previous convictions for violating a protection order issued under Titles 10, 26 or 75 RCW.

Effective immediately, and continuing as long as this protection order is in effect, the respondent may not possess a firearm or ammunition. 18 U.S.C. section 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If the respondent is convicted of an offense of domestic violence, the respondent will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9); RCW 9.41.040.

**YOU CAN BE ARRESTED EVEN IF THE PERSON OR PERSONS WHO OBTAINED THE ORDER INVITE OR ALLOW YOU TO VIOLATE THE ORDER'S PROHIBITIONS.** You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order upon written application.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

**FOLLOW MOST RESTRICTIVE ORDER:** The foregoing Orders. **DO NOT** change, alter, modify, supersede or replace any other Protection Order, No Contact Order or other Restraining Order. If two court orders are in conflict, you must follow the more restrictive order unless and until the conflict is resolved by the courts.

It is further ordered that the Clerk of Court shall forward a copy of this order on or before the next judicial day to \_\_\_\_\_ ☐ County Sheriff's Office ☐ Police Department  
**WHERE PETITIONER LIVES** which shall enter it in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

☐ The Clerk of Court shall also forward a copy of this order on or before the next judicial day to \_\_\_\_\_ ☐ County Sheriff's Office ☐ Police Department  
**WHERE RESPONDENT LIVES** which shall personally serve the respondent with a copy of this order and shall promptly complete and return to this court proof of service.

- ☐ Petitioner shall serve this order by ☐ mail ☐ publication.  
☐ Petitioner has made private arrangements for service of this order.  
☐ Respondent appeared and was informed of the order by the court; further service is not required.

☐ The law enforcement agency where ☐ petitioner ☐ respondent lives shall assist petitioner in obtaining:

☐ Possession of petitioner's ☐ residence ☐ personal belongings located at: \_\_\_\_\_

☐ Custody of the above-named minors, including taking physical custody for delivery to petitioner.

☐ Use of above designated vehicle.

☐ Other: \_\_\_\_\_

☒ **THIS ORDER FOR PROTECTION SHALL BE EFFECTIVE FOR A PERIOD OF ONE (1) YEAR FROM THE DATE ISSUED.**

☐ **THIS ORDER FOR PROTECTION IS PERMANENT**, the court finding that an Order for less than one (1) year will be insufficient to prevent acts of domestic violence.

DATED \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

I acknowledge receipt of a copy of this  
Order for Protection:

I acknowledge receipt of a copy of this  
Order for Protection:

\_\_\_\_\_  
Petitioner Date

\_\_\_\_\_  
Respondent Date



**KITSAP COUNTY DISTRICT COURT,  
STATE OF WASHINGTON**

Mailing Address: 614 Division Street, MS-25  
Port Orchard, WA 98366

STATE OF WASHINGTON,

Plaintiff,

vs.

NO.

☐ DOMESTIC VIOLENCE NO CONTACT ORDER

☐ ORDER RESCINDING NO CONTACT ORDER

Defendant.

(Clerk's Action Required)

THE COURT FINDS THAT the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No Contact Order shall be entered pursuant to chapter 10.99 RCW. The person(s) protected by this order are—

(Protected person(s) name, or initials if a minor, and DOB)

**IT IS ORDERED THAT—**

☒ Defendant is PROHIBITED from—

Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).

Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a third party or contact by the defendant's lawyer(s) with the protected person(s).

Entering or knowingly coming within or knowingly remaining within 500 feet of the protected person's

☐ residence] ☐ school] ☐ place of work] ☐ \_\_\_\_\_].

☒ This Domestic Violence No Contact Order expires two years from today's date.

☐ The court makes the findings pursuant to RCW 9.41.800. The defendant shall immediately surrender all firearms and other dangerous weapons within his or her possession or control and any concealed pistol license to the following law enforcement agency

☐ Bainbridge Island Police Department

☐ Port Orchard Police Department

☐ Bremerton Police Department

☐ Poulsbo Police Department

☐ Kitsap County Sheriff's Office

☐ Washington State Patrol

and the defendant is prohibited from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

☐ SPECIAL ASSISTANCE FROM LAW ENFORCEMENT AGENCIES:

The law enforcement agency where the petitioner lives shall standby for a limited period of time while the defendant removes essential personal property at the protected person's residence. Personal property shall be limited to personal effects, personal clothing and respondent's tools of trade.

☐ All previous No Contact Orders issued under this cause number regarding ☐ all protected persons]

☐ [the above protected person only] are hereby rescinded ☐ pursuant to the protected person's request].

☒ The Clerk of Court shall forward a copy of this order on or before the next judicial day to the following law enforcement agency **where the protected person(s) live(s)—**

☐ Bainbridge Island Police Department

☐ Port Orchard Police Department

☐ Bremerton Police Department

☐ Poulsbo Police Department

☐ Kitsap County Sheriff's Office

and the law enforcement agency shall enter this order in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

I have read or have had read to me and understand the contents of this order and violation warning on the reverse side, and have received a copy.

JUDGE

DEFENDANT

VICTIM

Revised 08/21/03

**Warnings to the Defendant:** Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW, and will subject a violator to arrest. If the violation of this order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, then you may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

Effective immediately, and continuing as long as this order is in effect, you may not possess a firearm or ammunition. 18 U.S.C. section 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9); RCW 9A1.040.

**You can be arrested even if any person or persons  
protected by this order invites or allows you to  
violate this order's prohibitions.**

You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

**KITSAP COUNTY DISTRICT COURT,  
STATE OF WASHINGTON**

Mailing Address: 614 Division Street, MS-25  
Port Orchard, WA 98366

☐ State of Washington

☐ City of Port Orchard

☐ City of Bainbridge Island

☐ City of Poulsbo

☐ City of Bremerton

Plaintiff,

vs.

Defendant.

No. \_\_\_\_\_

No. \_\_\_\_\_

No. \_\_\_\_\_

No. \_\_\_\_\_

Domestic Violence No Contact Order  
(Clerk's Action Required)

THE COURT FINDS THAT the defendant has been charged with, arrested for, or convicted of a domestic violence offense, and further finds that to prevent possible recurrence of violence, this Domestic Violence No Contact Order shall be entered pursuant to chapter 10.99 RCW. The person(s) protected by this order are--

(Protected person(s) name, or initials if a minor, and DOB)

**IT IS ORDERED THAT--**

☒ Defendant is PROHIBITED from--

Causing or attempting to cause physical harm, bodily injury, assault, including sexual assault, and from molesting, harassing, threatening, or stalking the protected person(s).

Coming near and from having any contact whatsoever, in person or through others, by phone, mail or any means, directly or indirectly, except for mailing or service of process of court documents by a third party or contact by the defendant's lawyer(s) with the protected person(s).

Entering or knowingly coming within or knowingly remaining within 500 feet of the protected person's

[☐ residence] [☐ school] [☐ place of work] [☐ \_\_\_\_\_].

☒ This Domestic Violence No Contact Order expires \_\_\_\_\_.

☐ The court makes the findings pursuant to RCW 9A.1.800. The defendant shall immediately surrender all firearms and other dangerous weapons within his or her possession or control and any concealed pistol license to the following law enforcement agency

☐ Bainbridge Island Police Department

☐ Port Orchard Police Department

☐ Bremerton Police Department

☐ Poulsbo Police Department

☐ Kitsap County Sheriff's Office

☐ Washington State Patrol

and the defendant is prohibited from obtaining or possessing a firearm, other dangerous weapon or concealed pistol license.

☐ The following No Contact Orders are rescinded: ☐ upon notice to defendant ☐ immediately:

☒ The Clerk of Court shall forward a copy of this order on or before the next judicial day to the following law enforcement agency **where the protected person(s) live(s)--**

☐ Bainbridge Island Police Department

☐ Port Orchard Police Department

☐ Bremerton Police Department

☐ Poulsbo Police Department

☐ Kitsap County Sheriff's Office

and the law enforcement agency shall enter this order in a computer-based criminal intelligence system available in this state used by law enforcement to list outstanding warrants.

☐ Defendant appeared in Court and was served with this Order by the Court. Further service is not required.

☐ Defendant did not appear in Court. Service of this Order on the Defendant ☐ is required ☐ is not required.

DONE IN OPEN COURT this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

I have read or have had read to me and understand the contents of this order and violation warning on the reverse side, and have received a copy.

KITSAP COUNTY DISTRICT COURT JUDGE/  
\_\_\_\_\_  
MUNICIPAL PRO TEM

DEFENDANT

VICTIM

Revised 05/04/04

Court (white)

Defendant (green)

Law Enforcement (canary)

Victim (blue)

**Warnings to the Defendant:** Violation of the provisions of this order with actual notice of its terms is a criminal offense under chapter 26.50 RCW, and will subject a violator to arrest. If the violation of this order involves travel across a state line or the boundary of a tribal jurisdiction, or involves conduct within the special maritime and territorial jurisdiction of the United States, which includes tribal lands, then you may be subject to criminal prosecution in federal court under 18 U.S.C. sections 2261, 2261A, or 2262.

Any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. Any conduct in violation of this order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

Effective immediately, and continuing as long as this order is in effect, you may not possess a firearm or ammunition. 18 U.S.C. section 922(g)(8). A violation of this federal firearms law carries a maximum possible penalty of 10 years in prison and a \$250,000 fine. An exception exists for law enforcement officers and military personnel when carrying department/government-issued firearms. 18 U.S.C. section 925(a)(1). If you are convicted of an offense of domestic violence, you will be forbidden for life from possessing a firearm or ammunition. 18 U.S.C. section 922(g)(9); RCW 9.41.040.

**You can be arrested even if any person or persons  
protected by this order invites or allows you to  
violate this order's prohibitions.**

You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order.

Pursuant to 18 U.S.C. section 2265, a court in any of the 50 states, the District of Columbia, Puerto Rico, any United States territory, and any tribal land within the United States shall accord full faith and credit to the order.

**KITSAP COUNTY COURTS OF LIMITED  
JURISDICTION, STATE OF WASHINGTON**

☐ District Court ☐ Bainbridge Island ☐ Bremerton  
☐ Port Orchard ☐ Poulsbo

Mailing Address: 614 Division Street, MS-25  
Port Orchard, WA 98366  
(360) 337-4890

\_\_\_\_\_  
Petitioner/Protected Party,

and

\_\_\_\_\_  
Respondent/Defendant.

No. \_\_\_\_\_

Related No. \_\_\_\_\_

Related No. \_\_\_\_\_

Related No. \_\_\_\_\_

**SUMMONS/NOTICE TO APPEAR**

(Clerk's Action Required)

Enclosed you will find copies of domestic violence no contact/protection orders currently in effect in which you are the petitioner/protected party or respondent/defendant. These orders contain provisions that are inconsistent with each other in the following areas:

☐ Distance ☐ Location ☐ Exceptions to Contact

You are hereby summoned to appear at a court hearing set for the following date and time:

\_\_\_\_\_ day of \_\_\_\_\_ 2004, at \_\_\_\_\_ am/pm, in Room 104, at the  
**Kitsap County Courthouse, 614 Division Street, Port Orchard, Washington.**

The purpose of this hearing is for the court to identify the inconsistencies and sign one unified Domestic Violence Order resolving the inconsistent provisions.

The purpose of this hearing is NOT to rehear if a no contact order should remain in effect or to modify non-conflicting provisions of existing orders.

If you fail to appear at this hearing, the court will still hear the matter and enter an order based on all available information.

SIGNED AND DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

By: \_\_\_\_\_  
Court Clerk

cc: Pros. Atty.:  
Defense Atty.:  
VCT:  
YWCA:

## KITSAP COUNTY DISTRICT COURT

JAMES M. RIEHL, JUDGE  
DEPARTMENT NO. 1

W. DANIEL PHILLIPS, JUDGE  
DEPARTMENT NO. 2

MARILYN G. PAJA, JUDGE  
DEPARTMENT NO. 3

614 Division Street, MS-25  
Port Orchard, WA 98366  
Phone (360) 337-7109  
Fax 337-4865

STEPHEN J. HOLMAN  
COURT COMMISSIONER

MAURICE H. BAKER  
COURT DIRECTOR

July 16, 2004

Dear \_\_\_\_\_ :

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the above-entitled court had a hearing involving you as a  
☐ defendant ☐ protected party in domestic violence no contact orders currently in effect in the courts of  
Kitsap County. All orders were reviewed to determine any inconsistencies within the orders. Appearing at  
the hearing were the Prosecuting Attorney's office and the ☐ defendant ☐ protected party.

You are hereby given notice that the following order(s):

☐ Will be rescinded and no longer in effect at such time as the defendant is served.

Court \_\_\_\_\_ No. \_\_\_\_\_ \*

Court \_\_\_\_\_ No. \_\_\_\_\_ \*

☐ Were rescinded and no longer in effect as of the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Court \_\_\_\_\_ No. \_\_\_\_\_

Court \_\_\_\_\_ No. \_\_\_\_\_

☐ Are still in full force and effect (copy of which is attached).

Court \_\_\_\_\_ No. \_\_\_\_\_

Court \_\_\_\_\_ No. \_\_\_\_\_

☐ Were reviewed for inconsistencies and modified (copy of which is attached).

Court \_\_\_\_\_ No. \_\_\_\_\_

Court \_\_\_\_\_ No. \_\_\_\_\_

Sincerely,

KITSAP COUNTY DISTRICT COURT

JAMES M. RIEHL  
Presiding Judge

Enclosure

\*Attn. Law Enforcement: The above orders are not rescinded until Deft is served with the attached order.

# PROCEDURAL FORMS





## DOMESTIC VIOLENCE ORDER CONTACTS

<u>Court</u>	<u>Contact</u>	<u>Phone Number</u>	<u>Fax Number</u>
Bainbridge Island Muni	Marie	206-780-3806	206-842-0316
Bremerton Municipal	Dawn	360-473-5260	360-473-5262
County Clerk	Counter	360-337-3265	360-337-4927
District Court	Jennifer	360-337-7005	360-337-4865
Port Orchard Municipal	Debbie	360-876-1701	360-895-3071
Poulsbo Municipal	Tracy	360-697-8257	360-779-1584

This list is used any time contact is made between courts regarding DV matters. Using the contact list ensures quick response times, as each person on the list is familiar with the DV project and the time sensitive issues involved.

**KITSAP COUNTY DISTRICT COURT**

**JAMES M. RIEHL, JUDGE**  
DEPARTMENT NO. 1

**W. DANIEL PHILLIPS, JUDGE**  
DEPARTMENT NO. 2

**MARILYN G. PAJA, JUDGE**  
DEPARTMENT NO. 3

**614 Division Street, MS-25**  
Port Orchard, WA 98366  
Phone (360) 337-7109  
Fax (360) 337-4586

**STEPHEN J. HOLMAN**  
COURT COMMISSIONER

**MAURICE H. BAKER**  
COURT DIRECTOR

# **DVI NOTIFY**

**ATTN: DVI CLERK**

**Email – [DVNOTIFY@CO.KITSAP.WA.US](mailto:DVNOTIFY@CO.KITSAP.WA.US)**

This form is distributed to participating courts and used as a cover sheet whenever notifying the Grant Clerk of possible conflicting orders. The Grant Clerk pulls the subject orders and gives them to the Judge for review. This procedure is used when the reporting court has reviewed the defendant's Domestic Violence Information (DVI) screen and verified that more than one order exists between like parties. Also, it is used to transmit copies of orders requested by courts, including domestic violence orders. All courts are encouraged to request copies of existing orders prior to issuing orders, involving the same parties. Through this process the issuance of conflicting orders is avoided.

## DV INFORMATION E-MAIL NOTIFY

The GroupWise mailbox established is used by participating courts each time a possible conflict has been identified and faxed to the Grant Clerk for judicial review. Both fax and e-mail are used to prevent a miscommunication in transmission and/or subsequent loss of the document that could leave conflicting orders in existence. For courts with scanning capabilities this use of e-mail eliminates the need to fax documents.

**KITSAP DISTRICT COURT  
COURT CALENDAR**

**9:00 AM  
ROOM #104**

**BEFORE JUDGE: JAMES M RIEHL**

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**1. UNIFIED DV HRG**

**CN  
DEF:  
DOB:**

**DV: Y**

**NCO expires  
ATY:  
VCT :**

---

**2. UNIFIED DV HRG**

**CN  
DEF:  
DOB:**

**DV: Y**

**NCO expires  
ATY:  
VCT :**

---

**3. UNIFIED DV HRG**

**CN  
DEF:  
DOB:**

**DV: Y**

**NCO expires  
ATY:  
VCT :**

---

**4. UNIFIED DV HRG**

**CN  
DEF:  
DOB:**

**DV: Y**

**NCO expires  
ATY:  
VCT :**

---

The largest calendar set to date summonsed twenty-two defendants. Of those twenty-two, seven defendants and four protected parties appeared. Defendants not appearing, whose orders were modified must be served with the modified order by law enforcement before the orders are enforceable.

The calendars are scheduled at 9:00 am and end at approximately 11:30 am. Since the Court's Judicial Information System (JIS) does not allow for a joint inter-court calendar, a macro was created to meet the calendar's needs. Copies of these calendars are electronically distributed to all participating courts.

# MODIFICATION PROCEDURE



## KITSAP COUNTY DISTRICT COURT

**JAMES M. RIEHL, JUDGE**  
DEPARTMENT NO. 1

**W. DANIEL PHILLIPS, JUDGE**  
DEPARTMENT NO. 2

**MARILYN G. PAJA, JUDGE**  
DEPARTMENT NO. 3

614 Division Street, MS-25  
Port Orchard, WA 98366  
Phone (360) 337-7109  
Fax 337-4865

**STEPHEN J. HOLMAN**  
COURT COMMISSIONER

**MAURICE H. BAKER**  
COURT DIRECTOR

**DATE:** July 16, 2004

**TO:** Kitsap County Bar Association

**FROM:** Maurice H. Baker, Director

**SUBJECT:** District Court South Calendar Change

All motions to rescind or modify no contact orders will now be heard on Tuesdays, at 1:30 pm, by Judge Riehl, in the Commissioner's Chambers, Rm 104. This change is motivated by the Court's experience working with the domestic violence unified order project. As a result of this change, the court is hoping to establish a more consistent process based on established and understood criteria.

Cases calendared in District Court North will be heard on the motion calendar in that court.

# KITSAP COUNTY DISTRICT COURT CALENDAR

Effective October 1, 2003

	Monday	Tuesday	Wednesday	Thursday	Friday
Courtroom 201 a.m.	9:00 Ex Parte Name Changes 9:30 UH (Permanent) 11:00 Supplementals Civil Pre-trials Civil Motions	9:00 Ex Parte DP Reviews PDA Reviews 10:30 Pre-trials	8:30 Arraignments 9:00 Ex Parte 10:30 Pre-trials (Crawford )	8:30 Arraignments 9:00 Ex Parte 10:30 Pre-trials (Crawford)	8:30 Arraignments 8:35 BW/ARR 9:00 Ex Parte 10:30 Pre-trials 10:35 Bench Warrants/Misc
Courtroom 201 p.m.	1:30 In Custody "Arraignments" DUI/DV Returns	1:30 In Custody "Arraignments" DUI/DV Returns	1:30 In Custody "Arraignments" DUI/DV Returns 3:00 Pre-trials	1:30 In Custody "Arraignments" DUI/DV Returns	1:30 In Custody "Arraignments" DUI/DV Returns
Courtroom 203 a.m.	9:00 Ex Parte Trials Only	9:00 Ex Parte Trials Only	9:00 Ex Parte Trial Overflow Status NCO Def. Request DP Entry Sentencing	9:00 Ex Parte Motions (w/ testimony)	9:00 Ex Parte Motions to Revoke 9:05 Bench Warrants
Courtroom 203 p.m.	1:30 Trials UH	1:30 Trials UH	1:30 Trials UH	1:30 Motions Cont'd UH	1:30 Motions to Revoke 3:00 UH
Poulsbo a.m.	8:30 Arraignments 9:00 Ex Parte 10:30 Pre-trials (Bougher) PDA Reviews	8:30 Arraignments 9:00 Ex Parte 10:30 Pre-trials (Bougher) DP Reviews	9:00 Ex Parte Motions Revoke * (2, 4 & 5 only)	9:00 Ex Parte Trials	9:00 Ex Parte UH (Permanent) Name Changes 10:30 Civil Motions Supplementals Civil Pre-trials
Poulsbo p.m.	1:30 Pre-trials DP/PDA Reviews	1:30 Pre-trials (Whitney) DP/PDA Reviews	1:30 Motions (w/ testimony) * (2, 4 & 5 only)	1:30 Trials	Trials Continued

All parties must confirm all trials no later than 1:30 p.m. the court day before trial. This rule includes both jury and bench trials. Civil ex parte will be heard every day in each courtroom at 9:00 a.m. 201 and 203 calendars rotate weekly.

\* The Poulsbo judge sits in the Silverdale court on the 1<sup>st</sup> & 3<sup>rd</sup> Wednesdays of each month. Motions to Revoke and noncompliance hearings will be held on Fridays in the commissioners' hearing room #104 at the Kitsap County Courthouse in Port Orchard.

Revised 08/06/03



KITSAP COUNTY DISTRICT COURT  
PROBATION SERVICES DIVISION

PROCEDURE FOR:

OBTAINING DISMISSAL OF A NO CONTACT ORDER  
GRANTED BY THE KITSAP COUNTY DISTRICT COURT

**STEP 1:**

- **Call the Kitsap County District Court Probation Office** at (360) 337-7010, ext.4, anytime between the hours of 8:00 AM and 4:30 PM.
- **Identify yourself**, provide the **name of the person** against whom the No Contact Order has been filed, and **the court case number**.
- **Request an appointment** with a Domestic Violence Specialist. An appointment will be set within one (1) week.

**STEP 2:**

- **You must appear** at the date & time given you to speak personally with the Domestic Violence Specialist.
- **The Domestic Violence Specialist will talk with you regarding safety issues & community resources.** A Screening Report will be completed & sent to the Court in which your No Contact Order was granted.

**STEP 3:**

- **Take your copy of the "Request for Hearing" form to the Kitsap County District Court office** where your No Contact Order was granted.
- **A hearing date will be set** by the clerk.
- **You must appear for the hearing in order for the Court to consider your request to dismiss the No Contact Order.**

KITSAP COUNTY DISTRICT COURT  
PROBATION SERVICES DIVISION

**DISMISSAL OF A NO CONTACT ORDER**  
Staff Procedure

**PHILOSOPHY:** the intent of this procedure is to assist the victim in regaining control over her life by providing her with resource information including assistance in the development of a safety plan. At the same time to help the Court determine the relative safety of the victim keeping in mind the power & control issues that may exist between the victim & the perpetrator. The procedure was developed with the ever present thought that the victim should not be subjected to any additional inconvenience.

- (1) At any point in the system (prosecutor/ court/ probation), if a victim expresses the desire to have the NCO dismissed, the staff is to give them the "Procedure for Obtaining the Dismissal of a No Contact Order". Be certain that the Order was granted in the Kitsap County District Court. Advise the victim that ***she/ he*** must initiate and follow through with the steps as outlined.
- (2) When she calls the KCDC/ Probation office, she is connected to a designated D.V. Specialist. If that person is not available she is directed to the Probation Director or her designee.
- (3) The D.V. Specialist sets an appointment for the interview at the earliest possible time or no longer than 5 working days.
- (4) At the appointment, the "No Contact Order– Screening Checklist" is completed by the D.V. Specialist. Appropriate referral & resource information are given to the victim if she does not already have the information. If she does not have a safety plan she is urged to complete one through the YWCA before the hearing. The D.V. Specialist completes the KCDC form "Request for Hearing" by adding the defendant's name & case number to the top. The purpose of the hearing & the victim's name is noted in the body of the request. The D. V. Specialist & the victim both sign the request. The victim is given all copies of the request w/ instructions to take it to the KCDC office for the hearing to be set.
- (5) The completed & signed "Request for Hearing" is the Court's proof that the victim has been screened in probation by the D.V.Specialist. The Court clerk will set a hearing.
- (6) The D.V. Specialist verifies information provided by the victim & completes the "No contact Order - Screening Checklist". The checklist is sent to the Court office where it is filed in the defendant's file. It remains there until the time of the hearing. Distribution of this report is at the direction of the Judge.
- (7) A copy of the checklist & the hearing request form are kept by the D.V. Specialist. After one (1) year, the documents are destroyed.
- (8) A note is made in the ICM notes of the defendant's file that the victim was screened. No other information is kept in the defendant's file relating to the screening.

# CONTACT LIST



# CONTACT LIST

James M. Riehl, Presiding Judge  
Kitsap County District Court  
614 Division Street, MS-25  
Port Orchard, WA 98366  
[Jriehl@co.kitsap.wa.us](mailto:Jriehl@co.kitsap.wa.us)  
360-337-4468  
360-337-4865 (fax)

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614 Division Street, MS-25  
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360-479-0491  
360-479-0484 (fax)

